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**From Equal Opportunities to Diversity: A
Study of Afro-Caribbean Career Progression
in the Public Sector**

By

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A thesis submitted in fulfillment of the
requirements for the Degree of
Doctor of Philosophy in Ethnic Relations

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Relations)

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DEDICATION

For Oneil, Onekki and Othem; and in memory of Chetwyn, Beatrice
and Iris

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LIST OF ABBREVIATIONS

AA	Administrative Assistant
ACAS	Advisory, Conciliation & Arbitration Service
AO	Administrative Officer
BEC	Branch Executive Committee
CARD	Campaign Against Racial Discrimination
CBI	Confederation of British Industry
CIAC	Commonwealth Immigrant Advisory Council
CPS	Crown Prosecution Service
CRE	Commission for Racial Equality
CSMC	Civil Service Management Code Civil Service Management Committee
DoE	Department of Environment
EEC	European Economic Community
EEOC	Equal Employment Opportunity Commission
EO	Executive Officer
EOR	Equal Opportunity Review
ET	Employment Tribunal
ETS	Employment Tribunal Service
EU	European Union
FEA	Fair Employment Act
FTSE	Financial Times Stock Exchange
GLC	Greater London Council
HEO	Higher Executive Officer
HMSO	Her Majesty's Stationery Office
HR	Human Resources
IPM	Institute of Personnel Management
LA	Local Authority
NCCI	National Committee for Commonwealth Immigrants
OPM	Office of Personnel Management
ONS	Office of National Statistics
PATH	Positive Action Training in Housing
PEP	Political & Economic Planning
PO	Principal Officer
PSI	Policy Studies Institute
RDC	Rural District Council
REIA	Race Equality Impact Assessment
RO	Reporting Officer
RRA	Race Relations Act
SCS	Senior Civil Service/Senior Civil Servant
SEO	Senior Executive Officer
SO	Senior Officer
TUC	Trade Union Congress
UDC	Urban District Council
UK	United Kingdom
US	United States

ABSTRACT

This thesis examines the extent to which equal opportunity legislation has enabled employment policies that aid the development, progression and promotion among public sector employees, specifically those of Afro Caribbean origin, employed during the period between 1988 and 2004.

As context, the first part of the thesis presents an historical background of the black presence in the UK and the hostility they experienced through racial discrimination. It considers how governments, politicians and social scientists viewed the social exclusion and disadvantage of ethnic minorities generally and their treatment in the labour market in particular. It also discusses relevant legislation, policies and practices that were developed to address racial discrimination.

Drawing on methodologies used in research of similar nature and reviewing literature and research studies, a methodology was chosen that was appropriate for the study and a combination of quantitative and qualitative methods is used. The quantitative data presented in Chapters 7-8 is derived from responses to a questionnaire survey, supplemented by more detailed qualitative responses derived from face to face interviews with employees from participating organisations. Other methods are used only to a very limited extent to supplement the data derived from the questionnaires and interviews. Chapter 9 contains data collected from a separate exercise of a shortened questionnaire on diversity only, consisting of staff from one government department and focus groups from two business streams.

The second part of the thesis presents the chosen methodology and analyses evidence collected between 1999 and 2004. Survey data, in-depth one-to-one interviews and group interviews show that although progress has been made in combating racial discrimination, the policy of positive action is not a routine tool of organisational policy. An examination of employment practices and processes in the relevant organisations indicates that there exists a combination of organisational, group (subculture) and individual constraints on ethnic minorities to rise to their full potential.

The theoretical view argues that there has been a retreat from progressive equal opportunity policies in employment and this owes much to the policies of the government of the day and organisational procedures. These assumptions have been borne out empirically.

TERMINOLOGY

Reference to Black refers specifically to those of Afro-Caribbean background, unless otherwise indicated. West Indians, Caribbeans and Afro-Caribbeans are used interchangeably.

Reference to the United Kingdom excludes Northern Ireland when used in the context of the conduct and operation of race relations policies and attendant legislation.

PART I: CHAPTER 1

INTRODUCTION

Debating the issue of race and racism has been recurrent over centuries and has been examined in different ways and contexts during various periods. Over the past 50 years this has been a live issue in some shape or form throughout many countries, particularly those in Western democracies. Racial discrimination, which is to treat individuals differently because they are thought to belong in different racial groups (Banton, 1998:140), is central to these debates and government efforts to avoid the kind of social tensions created by racial discrimination. The United Kingdom (UK) is more advanced than its European neighbours in its relationship with its ethnic minorities in terms of legislative provisions; however, despite this, institutional racism as defined by Lord MacPherson - “... *in general terms consists of conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. In its more subtle form it is as damaging as in its overt form*” (MacPherson Report, 1999) is an embedded form of racial discrimination that this study aims broadly to examine.

This study explores the question of race equality in the sphere of employment and relates to Afro-Caribbean employees in the public sector. It explores the shift away from the positive action initiatives of the 1980s within central and local government and what I perceive as its negative consequences in relation to the central question under consideration. It focuses on the participants’

career path(s); for example, why they entered the public services, benefits they hoped to derive from working in the public service and their reason(s) for remaining. Legislative provisions are examined, as are current equal opportunity policies, to establish to what extent my perception that the roll-back of the equal opportunity programmes of the 1980s was a retreat from progressive racial equality goals in the sphere of employment holds. It aims to establish whether or not this negativity has been recognised and accordingly addressed by current government-led equal opportunity policies.

The methodology used in the study is a combination of Quantitative and Qualitative methods. The quantitative data presented in Chapters 7 and 8 is derived from responses to a questionnaire survey, supplemented by more detailed qualitative responses derived from face to face interviews with employees from participating organisations. Other methods are used only to a very limited extent in the study to supplement the data derived from the questionnaires and interviews. Chapter 9 contains data collected from a separate exercise of a shortened questionnaire on diversity only, consisting of staff from one government department and two focus groups from two business streams.

This project owes its existence to many things, much of which stems from my personal interests, background and personal experiences. First is my interest in politics, the development and evolution of political ideologies and

principles as well as my observance of the social and cultural changes that have taken place over the last three decades or so.

However, it is my position as a public sector employee that has had the more significant bearing on the undertaking of this study. The nature of my job was not connected to the issue of race relations in any shape or form nor did it entail any element of social policy in the strictest sense. The catalyst was internal publication of annual workforce statistics, broken down by ethnicity, that is, in terms of numbers employed and their place throughout the grading structure in the department, whilst I was contemplating further post-graduate studies. This departmental exercise was undertaken in order to comply with the Civil Service Management Code (CSMC) on ethnic monitoring, as most, but not all government departments and agencies are mandated to supply the Cabinet Office with data on the make-up of their staff, including their ethnicity. The CSMC provides that the ethnic status of staff must be provided voluntarily by individual staff members and is therefore carried out on a self-classification basis, to the exclusion of management input, in order to ensure reliability in the assignment of ethnicity.

The 1996 data (*Newsletter*) showed that there was one person of ethnic minority origin at Senior Civil Service (SCS) level in the department out of a workforce of approximately 60,000, of which ethnic minorities constituted 10% (6,000). The figure for this single ethnic minority SCS member was not presented in those terms but expressed in percentage; nevertheless, from the

available data the extrapolation was easily made. The data also showed that 4,500 of the 6,000 ethnic minority employees were at the bottom rung of the grading structure, at Administrative Assistant (AA) and Administrative Officer (AO) levels.

The decision to undertake this research was to determine whether my department was unique in practicing a particular brand of equal opportunity policies that could produce such a result or whether this was widespread in the public sector. This is the central question to which this study lends itself.

Background: Race and Immigration in the UK

The United Kingdom of Great Britain and Northern Ireland, by its name suggests an amalgam of people. It is indeed an amalgam of people from different racial origins, creed and religious backgrounds. This mosaic has been attained through an history of invasions, conquests, migrations (both voluntary and forced, such as the Huguenots refugees, who fled France under persecution) (Schama, 2000:164) and colonialism.

Although hostility was shown to various groups of incomers, such non-acceptance dissipated earlier for some than others, particularly in relation to people of colour. Prejudice against people of African descent, whose earliest presence in the UK has been recorded as 1555 (Shyllon, 1977; Banton, 1976:55), has been continuous, though more virulent at particular periods,

especially when the indigenous population feel threatened in the labour market.

Reference to immigrants in British society conjures up immediately images of dark-skinned people in the urban cities. However, immigration to this country did not begin in the 20th century. Britain has a long history of receiving immigrants from the Romans to the Irish. The first Immigrants Act designed to check the flow of coloured people into Britain was not passed during the reign of Queen Elizabeth II in 1962, but during the reign of Elizabeth I in 1596 (Acts of the Privy Council, 11 August 1596, cited in Hill, 1965:22). The earliest presence of black people in Britain is imprecise but it seems safest to start the British history of the Negro about the middle of the 16th century to the early 17th century (Little, 1948: 187-188; Shyllon, 1977; Fryer, 1984) when they were used mainly as household servants (Hill, 1970:6).

There are various estimates of the black population in England during the 18th century: between 14,000-20,000 (Richmond, 1961: 235), 20,000 (Scobie, 1972:48) and 20,000-30,000 (West, 1970:15). Most black people in England then had been brought back by sea captains or returning West Indian planters but their legal status was obscure and open to question. There was no “Code Noir” (Black Code) as there was with the French, regulations which explained the way that slaves were to be treated (Thomas, 1997:472-3; McCloy, 1961:63) or Slave Codes as in the United States (Franklin, 1994:124) and later Black Codes in the antebellum South (Wilson, 1980:53).

The most systematic of these was the Code Noir, promulgated in March 1685, which governed every aspect of slave life - regulation ranged from how he should be fed, how much clothes he should own to his social conduct (McCloy, 1961:63-64). For example, slaves were prescribed weekly rations of 2½ pots of cassava farine, each weighing 2½lbs at least, 2 suits of clothes per year and night assemblies of slaves of different owners were prohibited, even under the pretext of a wedding. Ownership of property was forbidden and they could possess nothing independent of their masters. The penalty was flogging, cutting off of the ear or buttocks, branding of various kind and even death for frequent repetition of the offence (Williams, 1970: 183-189). The Code made him moveable property and denied him the most elementary rights of a human being.

In the southern United States the Slave Codes were equally elaborate but perhaps harsher. Franklin (1994:124-6) cites the practice by various states to enact more stringent laws to control the activities and movement of slaves whenever there was an insurrection or rumours of one.

The absence of a British code for slaves did not significantly alter the way they were treated outside of the colonies - Thomas notes that they were sometimes put up for public sale in Bristol and Liverpool (1997:473) with sale notices for slaves published in newspapers (Shyllon, 1997:13-14). Therefore,

to some degree slavery (without the plantations) was being practised on British soil as much as it was in the colonies.

Conflicting legal opinions were recorded on the status of slaves in Britain up until 1772. One famous opinion by Justice Powell made it known that “*the laws of England take no notice of a Negro*” (cited in West, 1970:14; Scobie, 1972:49). By most accounts the status of Britain’s blacks changed with the Mansfield judgment of 1772. The Mansfield judgment was delivered when James Somerset, a slave, who was brought to England in 1769 by his master, escaped and enjoyed freedom around London. He was eventually captured by his master in 1771 to be sold again into slavery in Jamaica. The anti-slavery campaigner Granville Sharp issued a writ of “habeas corpus” to prevent Somerset leaving England. When the case came before the Courts the issue to be decided was: “Is every man in England entitled to the liberty of his person unless forfeited by the laws of England?” Lord Mansfield determined that holding blacks as slaves was not supported by the laws of this Kingdom (Scobie, 1972) and thus slaves could not be forcibly removed from this country.

The Mansfield judgment applied to England, Wales and Ireland but not Scotland, which had (and still does) a separate legal system. In 1778, six years after the Somerset decision a similar case – a master’s right over his slave – arose in Scotland. It was decided that the colonial laws of slavery did not extend to Scotland, ruling that slavery was illegal in Scotland (Shyllon,

1977:24-27). Justice Powell's opinion remained significant after Mansfield's judgment as Scobie (1972) points out that some slave masters ignored the authority and held on to their slaves in England. Those who were set free by gaining the right to leave their masters, went into a life of unemployment and destitution.

A combination of events resulted in the reduction in the number of the black population in Britain. The Mansfield decision was not a general declaration of slave emancipation in England as the judgment was limited in its scope. According to Thomas (1997:474) Mansfield declared in 1779 (7 years after the Somerset judgment) that it "*went no further than to determine that the master had no right to compel the slave to go into a foreign country*" but the public perception was otherwise. Braidwood (1994:19) suggests that the judgment may in practice have been more important than the exact legal situation, in that previous court judgments on the status of black servants in England had not attracted public attention and so had little practical effect.

However, Mansfield's judgment encouraged liberally inclined masters to free their slaves (Hiro, 1971:5). Consequently, many of these men and women, poor and destitute, roamed the streets of London, characterised as vagrants (Blyden, 2000). Their plight gave impetus to the plans of abolitionists under the leadership of the philanthropist, Granville Sharpe and led to the creation of a committee for the relief of the Black Poor and the scheme for settling ex-slaves in Sierra Leone (Richmond, 1961:235). When the government's

attention was drawn to this its response was to repatriate them to Africa and the West Indies to work as 'free labourers'. Such deportations, led to a steady decline in Britain's black population, and by 1870, Britain had more or less returned to her original state of being a white nation (Hiro, 1971:5). Nevertheless, many blacks remained in the country throughout Victorian times Miles (1994:129) and Green (1998) detail significant number of blacks in Edwardian Britain, although most were of low social status, undertaking menial work.

The beginning of modern immigration by people of colour came by virtue of the British Nationality Act 1948, which created the new status of citizen of the United Kingdom and the Colonies (with the expressions "British subject" and "Commonwealth citizen" shall have the same meaning) and provided that those citizens and others of self-governing countries of the Commonwealth should be British subjects. Later when the McCarran Act of 1952 virtually halted West Indian immigration to the United States, Britain became the only remaining wide-open territory for would-be migrants from the British Caribbean islands (Patterson, 1963:39). Non-white colonies then became self-governing, earning them the title of British subjects with the right of abode in the UK. It was then that the black presence became a major social and political issue. Britain needed cheap labour to rebuild the country in the aftermath of the Second World War (Mason, 1995: 24) and turned to the colonies to fill the less attractive jobs (Griffiths, 1960: 9).

Ceri Peach found that conditions in Britain had a bearing on West Indian immigration during the peak immigration periods of the 1950s and 1960s. When the British economy was strong the demand for labour increased and the Ministry of Labour's register of unfulfilled vacancies increased and was in line with the number of migrants entering the country from the West Indies (1968:37). Far from making their fortunes easily, the immigrants faced isolation and hostility in employment, politics and socialisation (Shukra, 1998:9).

Although the immigrant's journey may have been made for economic reasons, accommodation was his foremost need. In post-war Britain, while the labour of the new immigrant minorities was welcomed by certain sectors of the economy, the migrants' presence in the housing market at a time of intense national housing shortage was resented (Byron, 1994:132). The West Indian newcomer settled in large, urban industrial areas with a shortage of unskilled and semi-skilled labour. In such areas they were usually compelled, as a consequence of the housing shortage and local antipathies, to cluster in the most dilapidated and socially undesirable districts (Patterson, 1963:47). Host public opinion reacted not simply against the presence of New Commonwealth immigrants as such, but against the implications of harbouring any sizeable, and potentially permanent, black citizen population (Jones, 1977:153).

The situation was therefore politically sensitive to address. Although the Welfare State was in place, there was no provision within it to address the social problems the newly arrived immigrant faced. The whole philosophy of the Welfare State (insofar as it possessed any whole philosophy) had hitherto seemed to centre around the idea of catering for certain categories of social need irrespective, in each case, of “extraneous” social, cultural or economic personal characteristics. To treat, or even to record, coloured immigrants differently, for no other reasons than because they were coloured immigrants, seemed to strike at the heart of this philosophy (Jones, 1977:193).

Evidence of rejection and discrimination are well known and documented (Francis, 1998; Banton, 1965:115-126), and the response was to organise. Much of the history of anti-racism consists of the actions of ordinary people, outside of the control of state or international agencies and often unaligned to any political party. Most anti-racist organisations have risen not from formal political initiatives or bureaucracies but from the necessity and desire of people to do something about the existence of racial oppression in their lives (Bonnett, 2000:86) and a number of black political organisations emerged in the 1960s and 1970s, and although based on ethnic lines, their varying activities were directed in opposition to racial discrimination (Shukra, 1998:9-26). Statutory organisations were also set up but the state’s involvement was not immediate. In the early part of the 20th century one of the larger black communities was the black seamen of Cardiff, Bristol and Liverpool and debate on racial issues was centred around this group. The

legislative measures put in place in 1920 and 1925 specifically regulated the employment of black seafarers (Little, 1948:85-86), and their families who faced economic hardship as a consequence of established employment practices. Rising unemployment in the shipping industry during the 1930s compounded this hardship (Banton, 1955:126), which found the children of black seamen dependent on public assistance, and rather than this difficulty being recognised as a social problem, it came to be regarded by the authorities as a “moral problem” (Little, 1948:91). This brought into existence welfare groups, such as the Liverpool Association for the Welfare of Coloured People (Gay and Young, 1988:16).

Rex and Tomlinson (1979:87) point out that all the major institutions set up by the government to deal with problems of race relations have been paternalistic in nature. They came into being together as components of immigration control for Commonwealth citizens, and all bore the marks of that origin. Rex further argues that the black organisations Shukra discusses were not an effective civil rights movement as there was in the United States (1979:89). However, that does not negate their usefulness in highlighting the depth of racial inequality that existed.

The demise of those political organisations, particularly the relatively radical Campaign Against Racial Discrimination (CARD) left a void in black representation and it was therefore inevitable that without a collective voice, black disaffection would have manifested itself in some form. The end of the

1970s coincided with urban social deprivation, economic decline and an increase in racial tension; with the latter particularly poorly managed by the state, an unfortunate series of street disturbances erupted in the early 1980s (Benyon, 1984 and Favell, 2001:108). This heightened political awareness significantly changed the operation of the country's race relations policy, creating a momentum that shifted the informal opposition to racism from centre stage to a formalised level.

It is against this historical background that the treatment of blacks in Britain and the conduct of social interaction between black and white should be viewed, in the discussion of modern race relations.

Demography

Historically, racial minorities have been concentrated in the cities and industrial areas of the country such as the North and West Midlands. However, up to the first half of the 20th century they lived mainly in London or the other major ports of Liverpool, Bristol and Cardiff (Killingray, 1994:2).

In 1961 two-thirds of Commonwealth immigrants lived in six large urban areas (1961 Census 10% sample). Of these, two-thirds lived in London. Figures from the 1966 sample Census showed that in Greater London there were 310,190 Commonwealth immigrants in a total population of 7.7 million, and in the West Midlands conurbation, 82,000 in a total population of 2.37

million. Proportions of 4.03% and 3.46%. These figures included white and non-white immigrants.

The 1966 data also showed that in Greater London there were 151,810 West Indians, 80,230 Indians and 15,990 Pakistanis. In West Yorkshire 8,360 West Indians, 10,350 Indians and 12,660 Pakistanis and South East Lancashire 10,670 West Indians, 7,730 Indians and 5,120 Pakistanis (cited in Field & Haikin, 1971:15)

The 1991 Census showed that population movements between Inner London and the rest of the country were below average for Blacks and other ethnic minorities (DoE, 1996:90); therefore it is reasonable to assume that there have been no significant shift in demographic patterns.

Nevertheless, the more recent data show the total Greater London population to be 7.1 million, marginally down on that of 1961. However, the ethnic minority population has increased, with 4.79% West Indians (343,544), 5.28% African (378,686), 6.09% Indians (436,780), 1.99% Pakistanis (142,725), 2.15% Bangladeshi (154,100); in the West Midlands, of a population of 5.2 million it shows 1.56% West Indians (82,170), 0.23% Africans (12,115), 3.39% Indians (178,562), 2.93% Pakistanis (154,332) and 0.60% (31,604) Bangladeshis. For Yorkshire there are 1.04% Indians (51,634), 2.95% Pakistanis (146,463) and less than 1% West Indians, Africans and Bangladeshis, respectively (21,349, 9,433 and 11,419). In Lancashire it

shows 1.31% Indians (14,865), 2.34% Pakistanis (76,558) and, as with Yorkshire, less than 1% West Indians, Africans and Bangladeshis (1,589, 794 and 3,064). The figures above do not take account of other ethnic categories, such as “Mixed” and “Other” (Census, 2001).

There is a wealth of research that has shown direct discrimination in the labour market, which leads to social and economic disadvantage among certain ethnic minority groups generally, and the Afro Caribbean community in particular. However, this research sought to study another dimension of the Afro Caribbean labour market experience, as it looks at indirect discrimination and excludes the Windrush generation of immigrants and shows the position of second and third generation of the Afro Caribbean community in white collar employment in the public sector, that were mainly educated within the British system. Some of the often cited comments by the country's white population when expressing resentment towards the Windrush generation of immigrants was that they were ignorant and illiterate, speaking strange languages and lacking proper education (Richmond, 1955:240-246). Richmond further notes that those views were never based on facts, as research at that time had shown that half of the white population had never met a black person and those who had had done so through only casual acquaintances. However, one feature of the average West Indian immigrant of the Windrush generation was that his services were predominantly deployed in low paid job sectors, whether he was skilled or semi-skilled.

The sociological views suggest that competition in the labour market might have given rise to conflict within that sector but competition for employment would not of itself be the only contributor to discrimination:

“As an identity, race becomes a way of perceiving ourselves within a group. To be black in what seems to be a bipolar racial universe gives one instantly a set of co-ordinates within space and time, a sense of geographical location along an endless boundary of color.... But blackness in a racially stratified society is always simultaneously the “negative of whiteness”. To be white is not a sign of culture, or a statement of biology or genetics: it is essentially a power relationship, a statement of authority, a social construct which is perpetuated by systems of privilege, the consolidation of property and status.” (Marable, 1995:6)

“However, the Victorian age was also one in which significant interest was shown in different concepts of race, not least in the putatively scientific claims of several leading commentators and politicians of the time. The debate to which they contributed served to lay the foundations of a near codified set of beliefs and assumptions regarding issues of racial and biological determinism.” (Saggar, 1992:20)

From what was early scepticism that acute racial tension could develop in the UK among the children and grandchildren of the Windrush generation, sociologists began to realise that the position of Commonwealth immigrants had more in common with the Black American experience than they previously supposed. The quotations from Manning Marable and Shamit Saggar above illustrate this commonality, though made in different contexts, but being the observations from American and British perspectives. Banton and Harwood (1975:32) argue that the use of the term race in both biological science and the everyday world needs to be understood historically. However, in his discussion of prejudice and the conceptions of race from the European perspective, Banton (1976:23-71) concurs with these views, though he considers that the emphasis on biological racial difference was

insignificant. Thus, the experience of the racial minority within the UK could be characterised as one of racial antagonism rather than racism, although delicate differences and shades of meaning are of no relevance to the victims of racism. The essential feature of racism is the degree of power exercised by one racial group over another, based on a philosophy of racial superiority to induce inferiority and powerlessness in the other. However, Rex and Moore's (1967) study of Sparkbrook in Birmingham placed the study of ethnic minorities within a class analysis, rooted in the historical continuities of colonialism.

It was clear that the cultural assimilation of immigrants into British society was not lessening the amount of discrimination practiced against them. As black militancy increased, sociologists altered their approach, as did policy makers because of growing recognition that a sizeable proportion of the country's "immigrants" were not immigrants but native born British citizens, who happened to be non-white. The limitation and cautiousness of the political approach in dealing with an issue that should have been moving away primarily from one of immigration control to addressing one of racism was necessary from an electoral perspective, if for no other reason than to provide a balance between the concerns of the host population and the new arrivals. For example, faced with a General Election in 1964 and having suffered from local government defeats, mounting criticisms in its foreign and domestic policies, ranging from housing shortages and a Rent Act which removed ceilings on rentals to the failures of providing new houses (Jones,

1985:51), the Commonwealth Immigrants Act would have provided much needed electoral protection to the government. However, it could be interpreted as an act of appeasement that contributed to reinforcing institutional racism that would confer the status of second class citizenship on the non-white population, “...*Black settlers in Britain watched as the racist tail wag the parliamentary dog*” (Fryer, 1984:381), while at the same time handing responsibility to them for the ills in British society.

In 1950, under a Labour government, and in 1956, under a Conservative government, Private Member's Bills to outlaw racial discrimination were tabled in Parliament but failed to be passed on both occasions. In a Parliamentary debate on immigration in 1961, the Conservative Home Secretary, Rab Butler, stated that

“...In 1960 the figure rose to 58,000 and in the first 10 months of this year the figure stood at 113,000. Of this figure about 57,000 came from the West Indies and 19,000 from India and Pakistan. The total number of these new immigrants, including children born to them in the country, was estimated to be about 500,000...” (Hansard, 16 November 1961).

In an 8-year period, between 1955-1963, the total number of immigrants entering the country (less total number leaving during the same period) was 472,400 (Cmnd 2739), although until the introduction of the 1962 Commonwealth Immigration Act the number of immigrants entering the country was based on estimates only, using various permutations.

Recorded figures for the total new Commonwealth population ranged from 74,000 in 1951 rising to 336,000 in 1961, 1.3 million in 1971 and 2.2 million in 1981, of which Afro Caribbeans accounted for 15,000, 172,000, 237,000 and 546,000 respectively.

Table 1.1: Estimated immigrant population in England & Wales, 1951 and 1961

Area of Origin	1951	1961
India	30,000	81,400
Pakistan	5,000	24,900
Ceylon	5,800	9,000
West Indies*	15,300	171,800
West Africa†	5,600	19,800
Far East‡	12,000	29,600
<i>Total coloured population</i>	74,500	336,600
Cyprus and Malta	24,700	66,600
<i>Total Commonwealth</i>	336,400	659,800
Irish Republic	472,100	644,400
Aliens	378,400	415,700
<i>Total resident population</i>	43,758,000	46,105,000
Coloured persons per 1,000	1.70	7.30

*Includes British Guiana and British Honduras

†Includes Gambia, Ghana, Nigeria, Sierra Leone

‡Includes Hong Kong, Malaya and Singapore

Source: Amended Census estimates cited in Rose et al, 1969

Another estimate put the Afro Caribbean migrant group in the same period at 2,200 in 1952, rising to 238,200 in 1961 (Patterson, 1963:417), although the latter figures refer only to migrants coming into the country, rather than inclusive of those already settled by then.

The number of West Indians to the UK was unimportant until 1954 and it would appear that the number never exceeded 1,000 per year before 1951, with an average of 2,000 in 1952 and 1953. In 1954 the figure for new arrivals was 10,000 and in the three succeeding years rose to over 20,000 per year: 1955 - 24,473, 1956 - 26,441, 1957 - 22,473 but fell back slightly in 1958

to 16,511. The West Indian population at 31 December 1957 was estimated at 99,823 (Ruck, 1960:51). Taking the Commonwealth as a whole, in the first year following the start of controls, 631,963 Commonwealth citizens passed immigration officers, the net positive intake being 34,523 (Davison, 1964:1).

A Commonwealth Immigrant Advisory Council (CIAC) Report in 1964 estimated that there were nearly one million immigrants from the Commonwealth present in the country (Cmnd 2266). There was no ethnic question in the Census until 1991, therefore up until then the position of ethnic minorities was less detailed and accurate in these data than those produced thereafter, and could have been under-estimated.

The growth of the ethnic minority population included a significant proportion that was British citizens by birth. Considering the trajectory, the policy of treating every ethnic minority resident in the country as an “immigrant” could not be sustained indefinitely and, similarly, the flawed political strategies of using immigration control as the only means of addressing racial discrimination could not succeed.

Some sociological views hold that no state can be stable and cohesive unless all its members share a common national culture, including common values, ideals of excellence, moral beliefs, social practices and so forth. By sharing a common culture, they develop mutual attachments, affections and loyalties and build up the necessary bonds of solidarity and common sense of

belonging (Parekh, 1998:3). However, if a sizeable minority of a state's population face disadvantage, lack of opportunities and under-representation, society will lack cohesiveness. Equality or equal treatment is thus a prerequisite of societal harmony. Nevertheless, to be "different" within a society is not necessarily incompatible with equality, since people's differences in certain circumstances will need to be acknowledged in order for them to be treated equally.

This thesis studies the career progression of ethnic minority employees in the public sector – both in central and local government – and how the legislative process informs this, with the emphasis on Afro Caribbean employees. It also seeks to apply an historical developmental approach to the study by looking at early ethnographic studies of the West Indian presence in the UK and their place within the marketplace (Little, 1947, 1950 and 1958; Banton, 1955 and 1959), as well as social reformism and related political economy. It is in two parts: Part I comprises 4 chapters - historical background (chapters 1 and 2), theoretical issues (chapters 3-5) and Part II comprising the methodology (Chapter 6), empirical work, analyses (chapters 7-9) and conclusions (chapter 10).

Chapter 2 presents a history of racism and its expression of exclusion in the labour market, both in the UK and the United States (US). It also gives an historical background of black people in the UK and analyses the mechanism through which social groups interacted and the tensions that arose, which

provide a base for later racial conflicts. Chapter 3 gives sociological perspectives on inter-related equality issues and examines contemporary race relations policies of France and the US for comparative purposes. The rationale for choosing these countries is not necessarily because they pursue identical race relations policies or have done so in the past.

In the case of France, since the Revolution and Constitution of 1795, the Republic has been organised around a highly centralised state based on the notion of equal citizenship. The republican ideal, based as it is on notions of liberty, equality and solidarity, considers individuals as integrated by virtue of a notion of individual citizenship. Once you become a French national, then you benefit from all the advantages that such status confers (Edye, 1998:50-51). However, France shares a similar history to the UK, in that they are former slave traders, slave holders and colonial powers and have acquired their racial minorities by the same means. However, slavery was never legalised on French or British soil (unlike the US), despite inferences drawn from the Mansfield judgement of 1772. Contrary to popular belief, the judgement went no further than to determine that a slave master had no right to compel the slave to go into a foreign country. This related to black slaves that had been brought back to England by sea captains, some of whom were hired out by their masters to ship owners, or slave captains, as casual labour (Thomas, 1977:473-74).

White people in the US met blacks almost exclusively in situations in which whites were superior in terms of power and knowledge. In any unequal relationship, the superior party is likely to stereotype members of the inferior party and when inherited differences of outward appearance are added, this tendency is all the stronger (Banton, 1998:49). This is the essence of the relationship that the US have had with its black citizens for most of its existence. Although the black presence in the US has a different genesis from France and the UK, governmental attitudes in the US and the UK to the issue of racial equality have been quite similar. More fundamentally, and paradoxically, is the fact that western countries with large minorities look to the US for examples in formulating their own race relations policies.

Chapter 4 reasons that governments have responsibility for the cumulative effects of past discrimination in the public realm and for maintaining equality through appropriate policies. It also details instances of policy retreat in support of the area of study, which are addressed empirically in Chapters 7-9. Chapter 5 describes the process of regulations and legislation that have been put in place to address social issues generally to those which were introduced to take account of racial inequality and the emergence of the UK as a multi-cultural society. The object of these chapters is to put the contemporary situation into context.

Part II of the study sets out the methodology and empirical analyses. Drawing on literature from social science research methodologies and the

sociologies and politics of race, Chapter 6 presents the process of formulating an appropriate method of data collection and how the methodology was chosen. Here it is argued that while participant observation is probably the method of data collection with which qualitative research is most closely associated, the combination of Quantitative and Qualitative methods would be suitable for the selection of certain variables which previous research have suggested would influence career progression.

Chapters 7 and 8 present the results of the quantitative and qualitative data collected in the main part of the study. Chapter 9 is a discussion, followed by an analysis, of diversity as a concept and charts its introduction as official policy in the Civil Service. It also examines the results of an additional qualitative exercise to test the success or otherwise of diversity as an equal opportunity tool.

Chapter 10 summaries the findings of the study and will conclude the thesis with some final remarks on the possibilities for an appraisal and reporting system in the public sector that might prove less discriminatory than those systems currently in place.

In this study, I am presenting an account of equal opportunity employment policies, focusing on a particular group of people and how they view those policies and the effects those policies have had on their career advancement. I am aware that a different emphasis could be placed on this same subject

with identical data but I hope it will contribute to and inform the equal opportunity debates that are ongoing as to how equality and fairness can be achieved for all, whilst recognising that indirect racial discrimination must be taken into account in pursuing these policies.

My account will commence with the next chapter.

CHAPTER 2

THE HISTORICAL CONTEXT OF THE STUDY

In Chapter 1 I gave an overview of the presence of black people in the UK and discussed different concepts of race and suggested that the emphasis in the US on biological racial difference is of less significance than from the European perspective. This chapter will give an historic account of racial discrimination within the job market and the role trade unionism played in excluding workers, based on their race.

It has generally been accepted that there was a period in the fairly recent social history of some Western democracies when people from non-white ethnic backgrounds were systematically discriminated against and excluded from mainstream society solely on the basis of skin colour and ethnic origin. None more so than the black man. Bloch (1969:47) points out that each strata, class or group had at one time or another, to some degree, faced economic restrictions and difficulties in the process of achieving social betterment. But the black man has had the longest period of economic restrictions imposed on him, with the least to show for the time and effort he has expended in his struggle for social improvement. It is not a proud period of history, particularly when set against what is currently regarded as acceptable standards of societal behaviour within modern democracies.

Modern governments have been striving to create an inclusive society through equality of opportunity and an evolutionary process of legislation. Progress has been made but this progress is to some extent partial in certain respects. Since the early 1960s there has been a continuing development of legal concepts and of enforcement mechanisms and institutions. The general trend of development has been an extension of the concept of discrimination, a strengthening of enforcement mechanisms, an increase in the powers of the regulatory agency and a change in the role of litigation (McCrudden et al, 1991:8). The Race Relations Acts of 1965, 1968 and 1976, respectively, offered varying degrees of protection against racial discrimination, with each Act strengthening weaknesses in the preceding one. However, it appears that existing provisions for addressing indirect discrimination are not as effective as they should be.

The ongoing debates and arguments surrounding the issue of race relations, both generally and specifically as it operates within the sphere of employment to achieve genuine equality of opportunity, should not ignore the historical consequences of governmental abandonment of social responsibilities to the freedom of employers and policies dictated by the workings of the market.

Some political analysts and academia have argued that a retrograde step has taken place in striving for fair employment opportunities for ethnic minorities in recent years. From the political left, one senior voice has been that of Lord Hattersley in support of positive action. Responding to the

government's welfare-to-work/New Deal policy in 1997, he reminded the public of the retreat from positive action and highlighted some of the consequences of neglecting the reality of discrimination - not only in employment practices, but also in the social system, and the necessity for the government to explicitly take account of this reality in pursuing these policies (*The Guardian*, 27 September 1997). Waiting for the gradual evolution of society into a prejudice-free utopia, ethnic minorities will never get their fair share of anything. Therefore, the objectives of the Commission for Racial Equality (CRE) can only be achieved by positive discrimination or, to give the policy its less controversial name, affirmative action (*The Guardian*, 19 April 2004). An opportunity presented itself at the time of the Race Relations (Amendment) Act 2000 to advance certain aspects of employment legislation but this was not exploited (*Bill Morris, Personal Interview*, 21 June 2001).

Paul Gordon (1990:175-190) gives several accounts of the attack from central government, "think tanks" and the right wing media, both populist and intellectual, on anti-racism policies initiated in many local authorities (LAs) in the 1980s as well as the retreat of those who had previously been supporters of such initiatives. Yasmin Alibhai-Brown has been equally critical of the neglect of governmental action in promoting fair employment policies (*The Guardian*, 17 December 1996).

The necessity for race relations legislation is no longer seriously questioned in the tone and language Gordon describes (1990:175-190), but its workings to

enable employment practices which are fair to minorities still are. This is particularly true in relation to issues of career development, progression and advancement. It is useful to put the position of the black man within the labour market and the agitation for social and economic equality into historical perspective. Although this study is concerned primarily with events in the United Kingdom, the background of race relations in the United States will be necessary as the UK traditionally looks to the US for examples in conducting relations with their own ethnic minorities.

Exclusionary Policies

Up until the Great Depression, not very much had changed for black people in the United States since the end of Reconstruction, particularly in the southern states of the Union, where politics in large measure was oligarchic, reactionary and myopic. Leuchtenburg (1963:332) describes it as *“a culture where black people were excluded from influence upon the political power exercised through institutions constructed with the aim of benefiting and responding largely to the will of a single entity: the white, Anglo-Saxon Protestant property owning class”*.

The United States has been a genuinely racist society. On the whole it has treated blacks as if they were inherently inferior, and for at least a century of its history this pattern of rigid racial stratification was buttressed and strengthened by a widely accepted ideology (Fredrickson, 1999:71).

An effective mode of exclusion in the sphere of employment was the negative quota, which restricted the percentage and advancement of black workers by trade unions. The "Transportation Brotherhoods" - the engineers, conductors, firemen and trackmen - frequently used this technique in their long and generally successful campaign to exclude and subordinate black workers. The extensive use of quotas to eliminate black skilled tradesmen is historically interesting in view of the contemporary white view that quotas are alien to the American experience. The precise opposite is true. Although quotas to include people and to ensure fair play are alien to the American experience, quotas to exclude people on the basis of race are very much American, probably an American creation.

In January 1910, for example, the Brotherhood of Railway Trainmen negotiated the following agreement with Southern Railroads:

"No larger percentage of Negro trainmen or yardmen will be employed on any division or in any yard than was employed on January 1, 1910. If on any rods this percentage is now larger than on January 1, 1910, this agreement does not contemplate the discharge of any Negroes to be replaced by whites, but as vacancies are filled or new men employed, whites are to be taken on until the percentage of January first is again reached. Negroes are not to be employed as baggagemen, flagmen, or yard foremen, but in any case in which they are now so employed, they are not to be discharged to make places for whites, but when the positions they occupy become vacant, whites shall be employed in their place."

Another case - a 1927 agreement between the Atlanta Joint Terminals and the firemen and helpers - makes the same point even more clearly:

“White firemen will be given preference over Negro firemen in filling all jobs when the following changes in conditions of work are made:

1. *A change of 30 minutes or more in the starting time of a job*
2. *Filling vacancies*
3. *Creation of new jobs”* (Bennett, 1993:265).

The South operated strict “White labour only” policies (Foner and Lewis, 1980:19) and the role of trade unions was instrumental in enabling such policies (Spero and Harris, 1931:53-75). Blacks did not fare much better in the liberal, northern cities either during this period, where organised labour evinced a pronounced feeling of hostility toward them (Franklin, 1994:310-11). According to Ringer (1983:251) whites forced blacks to compete primarily in those segments of the market that could lead to inferior jobs with the more desirable segments being monopolised by whites.

In the UK, black seamen in Cardiff found their position as workers was entirely at the mercy of the workings of the market and societal prejudice of the day. In order to keep costs as low as possible, ship-owners employed blacks only because they were paid less than their white counterparts, while on the other hand they were regarded by white unions as keeping white seamen out of work and forcing down their standard of living (Little, 1948:82-83). During the inter-war years of high unemployment, black seamen had the worst of both worlds: if they signed on from a colonial port they received inferior pay; if they came to Britain they frequently had

difficulty in obtaining work and were faced with open hostility of many white seamen (Richmond 1955:237).

Banton's study (1955) of non-white immigrants' life in the Stepney area of London showed similar pattern, where they were "the last hired and first fired" and professional men relegated to unskilled position in the labour market. West Indian immigrants filled vacancies for which there was either insufficient white labour available or those white workers were unwilling to fill. Though there were other factors involved, New Commonwealth migration was primarily instigated as a result of post-war labour shortage in the UK, and the majority of these migrants were either semi-skilled or unskilled workers (Field and Haikin, 1971:42).

Whether in employment or seeking employment, certain acts of overt racial discrimination were legal even where it was assumed that the immigrant worker had some degree of protection. One such case was The Batley Trades and Friendly Club who refused to employ an Indian musician in 1968 (TUC Report, 1968:584). When a case of similar nature was brought before the House of Lords in 1974 it was held that the establishment in question (the Preston Docker's Labour Club) was not guilty of unlawful discrimination under the Race Relations Act 1968. The limited scope of the Act, confined as it did to addressing discrimination in places of public resort only, meant that the club, being in the private realm, was outside the remit of the

legislation. Their union, The Club and Institute Union, saw legislation as encroaching “upon the private nature of clubs” (TUC Report 1975:74).

Hence, the heritage of these exclusions and policies of discrimination, which created black poverty and powerlessness, brought blacks into modern Western societies without the wherewithal to overcome those who insisted that they remain the lowest social class. It was only collective action through legislation, affecting those institutions and practices, that could provide some element of fairness to the black underclass.

The historic pattern of discrimination not only impacted the generation against whom these practices were directed but also continues to impact their descendants, because it has reduced their inheritances of human and non-human wealth. The tremendous wealth gaps that currently exist are direct consequences of the earlier patterns of both direct and indirect racial discrimination. Once they were established, they were automatically self-perpetuated by the workings of the market, creating economic hardship and with it the potential for social instability for governments.

There is a purely pragmatic need to make equal treatment a principle of public policy: the principle is necessary if the public peace is to be preserved and if the loyalty of the people to the political system is to be maintained, because a political system will obviously court trouble if any substantial

portion of the population resents one of its fundamental features (Van Dyke, 1990:33).

The inclusive federal relief programme US President Roosevelt introduced during the Great Depression, for example, might be the ultimate in political pragmatism to stave off the possibility of mass revolt. The authorities, fearful that the citizenry, faced with extreme destitution and starvation, might embrace the “new” ideology of communism, brought the New Deal into being. Although it was sold to the populace as a remedial device to relieve the misery of the poor, its introduction was never wholly for that purpose but to placate a climate that was conducive to the potential overthrow of capitalism (Leuchtenburg, 1963). The consequence was the introduction of socialist principles into a capitalist system by putting in place a social welfare system where government intervened and compromised core principles in order to preserve social stability and a political system.

The social systems and concerns of the UK and US may be similar but they are different. The US Constitution contains the principle of equal treatment which was afforded to the majority of the population but denied to its ethnic minorities through institutional racism, while social rights are enacted incrementally by way of legislation in the UK.

CHAPTER 3

ETHNICITY, SOCIAL RIGHTS AND POLITICAL DISCOURSES: THEORETICAL ISSUES

The previous chapters provided some historical background for contextual purposes and discussed how different concepts of race informed the treatment of ethnic minorities in the labour market in Europe and the US and this chapter will discuss theories of racial and social equality.

Schools of thought vary among scholars and academics, ranging from political scientists to social analysts, looking at various inter-related issues such as political ideology, ethnicity and the functions and effectiveness of social work in coping with inequality, as well as how they impact on the notion of equality in respective areas. They give perspectives on numerous systems, interpreting and addressing the concept of inequality generally.

Inequity is multidimensional and relates to various aspects of modern life such as democracy, rights, multiculturalism and social exclusion. For those involved in the political and social policy spheres, an understanding of these issues individually and collectively is not only advantageous from national perspectives but also from a continental one as far as the European Union (EU), its integration process and the free movement of people is concerned.

Ethnicity

Culture is not the same as ethnicity. Take for example, a West Indian and a white English person. Culturally they may be closer than an English person would be to a Russian. Colonialism has bequeathed upon the West Indian the language, literature and the religion of the English as well as certain cultural practices.

However, ethnically the white English person and the Russian may be deemed to be more alike by virtue of their appearance, notwithstanding the fact that, in all probability, they have nothing further in common. Since historically this society, as is the case with other western countries, operates on the basis of difference (for example, class) there is no greater “sameness” than that which is visible such as having the same skin colour. Therefore, similar appearance becomes more significant when others of different appearance (colour) begin to share the same space. A process then develops where people are first seen and judged by skin colour (the difference) rather than for who they are and what they share with those sitting in judgement.

Group identity then becomes necessary, but the dominant group in society has the privilege of not having to define themselves in terms of their race. In a critical examination of racial identity, Andrew Anthony argues that it is an agreed tenet of anti-racism that to rectify under-representation and discrimination you have to encourage the disadvantaged first of all to

recognise their identity. Just as class-consciousness is required to combat privilege so too, goes the theory, is race consciousness as a prerequisite of fighting oppression (*The Guardian* [G2], 22 March 2005).

It is not necessarily the case that the disadvantaged have to be encouraged to recognise their identity, but a more apt characterisation would be to say they were forced to recognise their identity since their disadvantaged position in society is largely attributable to being identified as “different” and that difference being who they are which then becomes their identity. As a consequence in such context people have to be treated differently in order to be afforded equal treatment.

Edwards (1998:116-126) argues that there is a distinction to be made between inequality and difference and questions how both are manifested and measured, since difference does not necessarily imply inequity. He believes that there are inconsistencies in celebrating diversity, which does not allow a place for diversity in explaining variations between groups. Why, he asks, if some differences between groups are due to past and present discrimination, do we wish to celebrate them in the way we do. If what we celebrate are those values and riches of minority groups that are the substance of victory over oppression, how do we distinguish between those differences – such as inequalities – which are the result of discrimination and those that are the fruits of victory over oppression? Race in its biological, taxonomic sense is

well defined but associated terminologies are imprecise, such as cultural, ethnicity and ethnic groups.

Ethnicity is a cultural not a biological concept and in the UK groups have been delineated by careful reference to the description of culture and ethnicity and insofar as biological, scientific classification is required, these groups definitions are adequate, at least for current purposes.

All modern societies contain populations that do not all belong to the majority or original population, and identification of different cultures and ethnicity within a society does not necessarily make it multicultural and/or multiethnic. It could be argued that one criterion for characterisation as multi “anything” should be dependent on percentage in terms of population composition. For example, in Northern Ireland less than 1% of the population belongs to “racial” minorities, therefore it is not regarded as a multicultural society on those grounds. However, 38% of the population belong to an ethnic minority – Roman Catholic – and on this basis it is accepted as being divided on ethnic and sectarian lines, and therefore as such is recognised as a multicultural society (Edwards, 118:1998). This of course is evinced by the minority-conscious legislation in the form of the Fair Employment (Northern Ireland) Act 1989 – in addition to other governmental initiatives.

Thus differences do not necessarily imply inequality, for differences might come about by systematic different choices by different minority groups, while inequalities are usually the result of systematic discrimination by a dominant group on others. Therefore inequality, as opposed to difference probably occupies a larger territory in a multicultural society if little account is taken of multiculturalism itself. It is reasonable to argue therefore that when the latter takes place the necessity arises for action to provide redress and/or equality of opportunity.

Social Rights & Democracy

Rights are component of Western democracy, which carries a variety of definitions within different contexts. However, with regard to citizens with social needs and thus rights to society's resources, including a basic income, these could be described as taking place within what is called "responsive rule" (May, 1978), irrespective of the political ideology under which governmental rule was sought and democratically chosen. And on the basis that these rights are universal, inclusive provisions have to be made to ensure a degree of fairness in line with democratic principles.

In principle, the Race Relations Act 1976 is the legal foundation for providing such inclusiveness, including compensatory policies for past racial discrimination. However, one critical observation is that the equivocation in the drafting of the Act ensures that the Act's provisions to help clearly

defined disadvantaged groups are not compulsory but simply tolerated. At the time the policy was created the government did not officially name it as a policy. References to “policy” are scattered throughout the Act and they had to be sought out and pieced together (Dubourdieu, 1998:94). Another view is that the misconception about “equality of opportunity” and “positive action” meant that there was ambiguity and ambivalence in the legislation ...” (Prashar, 1997). Thus the Act created an unnamed policy by negative definition, and one which paved the way for confusion in its interpretation.

Political Discourses

France

Leydier’s (1998:9-18) examination of political ideology argues that the new conservative creed that came into being in the late 1970s took the view that people had a right to be unequal. It contends that people are born with unequal talents and therefore the principle of equal rewards is one that is unnatural and encourages laziness among the less motivated. Some, however, believe that this has always been the British conservative creed, except that the post-war consensus in Britain held that marked inequalities would be economically counterproductive and potentially dangerous for social order, cohesion and stability. This moderate egalitarianism was to give way to the new creed, which began to dominate. This doctrine holds that inequalities within society are necessary to stimulate individual talents and that government interventions create a dependency culture. It further contends

that better-off citizens, by their very existence, provide an incentive for the poor in order to encourage “the spirit of entrepreneurship”, thus assisting in the avoidance of dependency. “Poor” in this context could also mean the working class but the very language of class is itself as much a part of a political as well as an analytical vocabulary; that is, in describing class we take up positions in attempting to make sense of everyday experience (Blackwell and Seabrook, 1985:18) to the same extent as equality. It is said that the Conservative politician, Rab Butler, opined that if the notion of equal opportunities has any meaning at all it is only in the sense of “equal opportunities to become unequal” (Howard, 1987).

According to Poirier (1998) equal opportunities may even be the *modus operandi* of the creation of inequalities. This limited vision of equality is certainly central to democracy and modern trade, for acquiring wealth through trade is based on trust which in turn is based on the notion of a minimum equality of conditions on the very market whose operation will result in further inequality. Marable (1983) gives a detailed examination of this theme from the perspective of the relationship between financial institutions and people of colour.

The socialist agenda traditionally offers an alternative to this narrow conception of equality. It has seen equal opportunity in a dual role: as a challenge to the effects of the capitalist market and an element of stimulation of equality of basic conditions allegedly produced by the true socialist state.

As such equal opportunity is seen as an agency for change, but not change itself; its operation therefore was to be a defence against the worst inequalities, but not a means of eradicating their causes. That is why the durability of egalitarian or pseudo-egalitarian discourse in the history of British Labour Party is not sufficient evidence of any permanent egalitarian belief – the rewrite of Clause IV of the Party's Constitution is a case in point. This was partly to marginalise the trade unions in the determination to modernise the Party, since they and socialism are inextricably part of the past (Fishman, 1996:39). By extension the wider concept of equality as it was traditionally advanced by the Party was also to be marginalised.

Dowling (1998) thinks the New Right policies in Britain between 1979 and 1997 (under the banner of restructuring of welfare) negatively impacted on the poor. These of course contribute to economic inequality, which bears heavily on minorities among the socially excluded. The general objective of affirmative action is to promote the socio-economic advancement of minorities. The goal is to create substantive racial equality by reducing racial group differences of income, occupation and other aspects of employment processes. Macro-level economic studies focusing on factors such as education, mobility, class, gender and labour market conditions – that is job allocation and income – examine the extent to which the policy contributes to these broad purposes (Heath & Cheung, 2006 and Heath, 2001). A second type of study pursuing micro-level analysis focuses on the individual company and considers the impact of the policy on the composition of the workforce.

The French were also developing a new approach of their own in a progressive conversion to the neo-liberal agenda. According to Leydier (1998:9-19), a succession of reports over two decades, beginning in 1974 with the Stoleru report to Pierre Rosenvallon's *La Nouvelle Question Sociale*, has "unremittingly debunked" the French "egalitarian myth". Evidence of this has been the 1982-83 government's monetarist macro-economic policy and also that of the late 1980s and early 1990s rallying to the concept of equity justified by the new economic deal of low inflation, high unemployment and public deficits. Leydier also states that a new ideological paradigm was proposed by Alain Minc stressing the difference between the principles of French traditional claim for equity and the current reality of widening socio-economic inequalities in France, which has been borne out in a report commissioned by the French government (*The Guardian*, 27 January 2004). However, this traditional claim for equity was to serve as a restraint in how close the French could embrace this adoption of the neo-liberal agenda.

Other social developments, such as the inner city riots of the earlier 1980s, had enabled the emergence of the "new urban left" within the opposing ideology in Britain. To some extent this was a response to the neo-conservative and anti-egalitarian radicalism that was in the ascendancy. On the agenda of the "urban left" in some Labour-controlled LAs in the inner cities was the shaping of a new concept: that of equality of opportunity and affirmative action. This concern was not new in itself but relatively new in

practical terms to Europeans who adopted it from the United States. It was, of course, similar – indeed worse – social upheavals in the United States almost two decades earlier that had galvanised the Americans into formulating this concept, which has since been adopted in modified forms by various countries with minority and equality issues – particularly those of race and multiculturalism.

But as Dubourdieu (1998) points out, contrary to Britain, France has been considered a nation of immigrants, where only the rights of the individual are recognised. France therefore rejects any form of difference or differentiation on a group basis (as examined by Edwards – see p38-39) and the notion of group rights cannot be recognised constitutionally, as the Constitution recognises citizens “without distinction of origin, race or religion”. Thus, an issue such as positive discrimination/positive action in favour of any group is a legal impossibility in France.

In recent decades, the inward migration trend has shifted from France’s direct neighbours in Europe to those of North Africa and Turkey, significantly increasing France’s Muslim population, making it easily the largest in Europe, with 5 million Muslims and an estimated ethnic minority population of 6.3% of the country’s 59 million population (www.dw-world.de/dw/article).

According to the French definition of an étranger as someone born abroad without French nationality, there are currently 4 million foreigners in France,

of whom about a third have acquired French nationality. To this, one must add another 5 million who are the children of foreigners and a further 5 million who are the grandchildren of foreigners. So out of a total population of approximately 59 million, about 14 million (around a quarter) are either foreigners or the children or grandchildren of foreigners (Hargreaves, 1995:5).

On the other hand, in respect of racial minorities, Dubourdieu (1998) describes France as a “statistical desert”, for although there are statistics on immigrants living in France (Favell, 2001:72), there are no data for analytical purposes to tell the precise socio-economic situation of the second generation of France’s minorities, as they are hard to come by. For example, there are no “ethnic/racial” questions in census and there are no debates on whether or not these should be included. Furthermore, the nature of France’s data protection laws precludes any other organisation from officially recognising ethnic minority status. In view of the growth of ethnic and religious minorities in France, it is debatable whether or not this policy is sustainable in the longer term, given the level of social discontent among these groups, as seen in the disturbances during the winter of 2005/06. Without the necessary statistical data, measures to address these social problems will not be fully effective.

Having said that, the question has been discussed – not in relation to race or minorities but in respect of sex discrimination, where statistics show under-

representation and disadvantage against women. The main political parties considered “action positive” in this area, but it is not a direct translation of the British version of “positive action”, as the underlying concepts do not carry the same meanings as in Britain. For example, the French version would include the use of quotas, which is illegal in Britain and this is an example of the limitations on the transferability of policy concepts between the two countries (Dubourdieu, 1998:98-99).

There is an enormous difference with the French philosophy – that is, in terms of rhetoric, interpretation and culture. Take for instance their “Republican values” which are based on the formal equality of individuals, this was evinced at the Amsterdam European summit in 1997 when Lionel Jospin felt the urge to reassert the need for a social policy and upstaged Tony Blair, his British “socialist” counterpart, who saw no necessity to significantly alter the conservative agenda he inherited (Poirier, 77-87:1998).

This difference between British Labour and French Socialist, highlighted earlier at the Malmo European Socialists Conference in 1997, may owe little to left-right ideology divide and more to divergence in national cultures and traditions.

In the US, where statistics abound, most Americans do not regard economic and social inequality as justification for government action. The explanation for this seeming inconsistency is that American political culture supports

particular kinds of equality: equality before the law and political equality, though universal equality is not an historical fact in that country. For example, in the 1970s the Republican administration of Richard Nixon lobbied in Congress to defeat the extension of the Voting Rights Act 1965 (Sitkoff, 1993:213). They do not insist on equality of condition, emphasising instead equality of opportunity. In essence, this means they believe in equal opportunities to become unequal and that is the prism through which the debate in the US is conducted, particularly from the political right.

Critics from opposite ends of the ideological spectrum argue against the prevailing atmosphere as far as affirmative action is concerned. Some contend that the Civil Right Act of 1964, having removed racial barriers to social and economic progress, provides blacks with the same freedom as their fellow countrymen to succeed. It was intended to establish colour-blind equal opportunity through a combination of voluntary compliance, agency conciliation and judicial enforcement in civil litigation of the personal rights of individuals not to be discriminated against because of race. Under pressure of direct political protest and social upheaval in the late 1960s, federal courts and civil right bureaucracy abandoned this policy. They fashioned an administrative-judicial enforcement scheme that forced employers to give preferential treatment to racial minorities under new theory of discrimination based on the concept of group rights and equality of result (Belz, 1994).

Voluntary here is a synonym for freedom of choice but there can be conflict between freedom and equality. Therefore a government that wants to narrow social divide, say, between the excluded and the powerful must limit the freedom of the powerful.

United States

The conservative sociologist, Wilson (1980), serves up two divergent economic and employment theories on American race relations but it is only one which is relevant here – the split-labour market. This supports a laissez faire ideology that would permit all workers to compete freely in an open market, where open competition would displace higher paid labour.

Without giving a definition of what constitutes racism, Wilson concludes that in terms of modern American race relations, with the passage of equal employment legislation and government programmes such as affirmative action, the government has helped clear the path for more privileged blacks to enter mainstream American occupations. However, attempts to “eliminate traditional racial barriers through such programmes as affirmative action have had the unintentional effect of contributing to the growing economic class divisions within the black community” (Wilson, 1980:19). Wilson advances this theme in later work, contending that affirmative action policies did not really open up broad avenues of upward mobility for the masses of disadvantaged blacks (Wilson, 1997:197).

This may be partially correct, for it can be argued also that affirmative action did not have the significant impact some of its detractors claim, or its proponents hoped. Although affirmative action was largely responsible for a significant increase in the size of the black middle class, it can be criticised from the left, not because it was too liberal in its pursuit and implementation of measures to achieve equality, but because it was too conservative (Marable, 1995:87).

The macro-economic effects of affirmative action have the most direct bearing on the goal of substantive equality, but they have also been the most difficult to demonstrate. Several early studies showed that equal employment opportunity laws do not improve the economic position of minorities because of a basic contradiction between the employment and the wage provisions in the laws (Belz, 1994).

The black conservative historian, John Hope Franklin, a sympathiser of Wilson's arguments, says that the widely assumed closing of the economic gap between blacks and whites was entirely erroneous due to "massive tokenism". In 1964 the unemployment rate among blacks was 9.6% as against 4.6% for whites, 7 years later in 1971 that figure increased, though slightly, to 9.9% among blacks, against (5.4%) for whites. By 1977 the overall unemployment figure for whites was 6.3% against 13.2% for blacks; for white teenagers it was 15% whilst for black teenagers it was between 40-55%

(Franklin, 1994:513). This means that the gap between white and black young people, in terms of employment opportunities, widened further.

It was during this period, Wilson claims, that this seismic social shift took place, when educated, young, blacks entering the labour market were experiencing unprecedented job opportunities, comparable to whites with equivalent qualifications. The implicit suggestion here is that employment was based entirely on merit, without regard to race. Franklin (1994) defends him by pointing out that the other side of this argument was that technological and economic revolutions would solidify the position of the black underclass, widening the economic gap within the black community.

Yet that is one defect of Wilson's central thesis, because a system – in this instance the removal of legalised racism – which immediately creates a black underclass of 31%, as opposed to a 10% middle class, and then threatens to consolidate that underclass, cannot be deemed as one where race is of declining significance. What this possibly suggests is that the new dispensation is actually a continuation of the old, where economic systems and institutions with built-in racist practices are left intact, with the exception that judicial rulings have removed the sanction of the state in aiding these practices.

Despite this argument, Wilson admits that it is the case that one consequence of the rapid growth of the corporate and government sectors has been the

gradual creation of a segmented labour market that provides vastly different mobility opportunities for different segments of the black population. On the other hand, poorly trained and educationally limited blacks of the inner city, including the growth in the number of black teenagers and young adults, see their job prospects increasingly restricted to the low-wage sector (Wilson, 1980).

Marable (1995:26-49) is critical of the reasoning as outlined above and what he sees as the reactionary ideology of New Right politics and the Republican Party in the United States. The attack on positive racial initiatives from that platform is expected but the response of the Democratic Party, which were traditionally sympathetic towards the less fortunate in society – at least since the Great Depression – but which now mimic the Republic message, only in a slightly more moderate form, is disappointing.

He argues that although affirmative action was intended as a redress for historical racism, more than 30 years of affirmative action programmes, goals and timetables has clearly been more effective in transforming the status of white women in the labour force. As of the 1990 census white women held nearly 40% of all middle management positions compared with ethnic minority women, while white males still dominate the upper ranks of senior management. They constitute about 47% of America's total workforce yet hold 95% of all senior managerial positions at the rank of vice president or above (Marable, 1995:86-87).

The black population in 1990 totalled 30 million, that is 12.1% of the overall population. The 2000 Census showed that out of the total population of 281.4 million people, there were 36.4 million people who regard themselves as black or African American (12.9%). The term “black or African American” referring to people having origins in any of the Black race groups of African, including Haitians. However, there were 5.5 million people (1.9%) recorded as “white as well as one or more other races”, which excluded people of Latin or Hispanic origin (US Census, 2000). Therefore a percentage of that 5.5 million would be regarded as “Black” under the customary racial assignment in the United States.

These statistics do not negate the reality of racial domination and discrimination in terms of social relations, access to employment opportunities or job advancement, but they do tell us part of the reasons why no broad coalition of people of colour has coalesced behind the political demand for affirmative action. Various groups interpret their interests narrowly in divergent ways, looking out primarily for themselves rather than addressing the structural inequalities within the social fabric of society as a whole.

The UK’s relationship and attitude towards “Others” are dependent on a number of factors – primarily historical connections, ethnicity, race, nationality, religion and culture. In respect of ethnic minorities, successive

governments had an overall two-pronged strategy. Historically, on the one hand there was the goal of racial harmony, which was pursued on the assumption that a rigorous immigration policy would limit the growth of the Black community to acceptable levels of social integration. On the other hand, the pursuit of equal opportunity through the elimination of racial discrimination would promote upward mobility for Blacks. Those responsible for the first prong pursued their objective with zeal, while those responsible for the second often found themselves hampered by a complex mixture of their own uncertainty and lack of genuine government commitment (Haynes, 1996:10-11; Ben-Tovim et al, 1986:14).

Thus for some considerable period, the politics of race rarely drew analyses beyond the critical see-saw of immigration policy and race relations legislation (Smith, 1989:49). As the number of ethnic minorities born in the UK rose, this policy became unsustainable. Currently the ethnic minority population stands at 4.6 million (7.9%) (Census, 2001), while recorded figures in 1951 showed New Commonwealth immigrant number as low as 74,000 (Rose et al, 1969 and Patterson, 1963).

The mobilisation of ethnicity as a resource in the pursuit of political dominance and capital accumulation may, if the Ulster situation is any guide, take many forms. In particular, during the period of industrialisation and urbanisation that strand of Protestant ethnicity which of necessity 'faced outward' encouraged and facilitated – and was produced and reproduced by –

the links with Britain through which technology was imported, capital exported for investment elsewhere, and political support mobilised. From the late 19th century, ethnic ties were increasingly – and apparently, at least to some degree self-consciously – part of the local Protestant bourgeoisie's strategy for dealing with the threat of organised labour. The 'management' of the class-stratified Protestant community was achieved in a number of complementary fashions, the two most important being the control of recruitment into employment – in a labour market which always had more job-seekers than jobs – and the creation of political unity, a class alliance against the external threat of Catholic nationalism, Protestant commercial and industrial supremacy in Ulster has been built upon these foundations (Jenkins, 1997:105).

This strategy and the inequality it had created for the Catholic minority has been challenged in recent years, with a fair degree of success, through a number of initiatives and government action such as the Fair Employment (Northern Ireland) Act 1976; nevertheless there are flaws and contradictions. Having made discrimination illegal, the Act did not recognise the existence of discrimination (McCormack & O'Hare, 1990:1). The Education Reform Act of 1989 encourages the expansion of integrated schools, yet the fair employment legislation appears to separate and divide people on the basis of religion in order to enhance greater structural equality (Cormack & Osborne, 1991).

Another significant development that was to enhance the equality debate arose via events beyond the shores and control of the British government and the rejectionists in Northern Ireland. In 1983 it was suggested in the US that their government should apply certain equality principles to US firms doing business in Northern Ireland similar to those in operation with regard to US companies operating in then apartheid South Africa. Chief among these principles were increased representation in employment from under-represented religious groups, security protection for minority employees, public advertisement for all jobs, abolition of job reservations in favour of a particular religious group, developing the skills of minority employees and timetable to carry out affirmative action principles. These anti-discrimination principles became known as the McBride Principles – named after one of the advocates and co-founder of Amnesty International, Sean McBride (McCormack & O'Hare, 1990).

The British government opposed these proposals initially, and had to, if for no other reason than ideology, although it was said to be on the basis of potential illegality under Fair Employment (Northern Ireland) Act 1976. Here was a government committed to an unfettered free-market, and busily enacting significant deregulation legislation: the labour market, business, commerce and parts of the activities of the professions. The natural corollary of all this is government non-intervention in delivering equality of opportunity to minority groups.

However, the campaign that emerged around the McBride Principles – both in the US and in Northern Ireland – began to partially fill the vacuum left by the inadequacy of the 1976 Act and the political institutions to effectively address the issue of equality of opportunity. This pressure brought a change of governmental attitude on the part of the British. Coupled with other developments such as the Anglo-Irish Agreement, a new approach was adopted. A new advisory Guide to Effective Practice was published by the Department of Economic Development (1987), the resources of the Fair Employment Act (FEA) was significantly increased (up until then, funding level was a source of criticism). A new Fair Employment Support Scheme for private sector employers was launched to provide employers seeking to implement equal opportunity programmes with free professional advice, training and limited financial assistance (McCormack & O'Hare, 1990).

But on the mainland the focus was on race and a unique dimension of the British experience during the 1970s and 1980s was the formation of an inclusive notion of blackness configured as the political colour of opposition to racism (Solomos & Back, 1996:134). This has morphed into what is now known as multiculturalism. This is, in strictness, a separate policy from equality of opportunity but is often used interchangeably and enormous investments have been placed on this, both at local and national levels. Policy initiatives range from education (Tomlinson, 1986:187) primarily at LA level to employment and training. In the early 1980s, for example, one LA (Bradford) outlined a 12-point race relations plan which declared that every

section of the multiracial, multicultural city had an equal right to maintain its own identity, culture, language, religion and customs (*The Guardian* [G2], 29 October 2003).

There is no clear political and social consensus in British society about what this means, either ideologically or in practice (Solomos and Back, 1996:73). It is worth restating that the conception of encouraging plurality of cultures is not unique to the UK and was one of the main considerations of Myrdal's seminal work in examining race relations in the US during segregation (Myrdal, 1944). But its application to British society negatively protects the individual from the state rather than positively forming the political citizen through political participation – reverses the primacy of polity to society, thus allowing a wide sphere of cultures untouched by the public political sphere; hence the flourishing of multiculturalism and the concept of race relations as the 'management' of public order, rather than the principles laid down by rules on a priority basis. The legislative and institutional framework is a calculated, paternalistic attempt to engineer a kind of social harmony and multicultural equilibrium well in advance of the preferences of the general public (Favell, 2001:96&123). It is reasonable to assume that the general public in this context means the majority population.

However, Saggat (1999) makes a convincing case for public policy to help mobilise minority group rights, arguing that the state should promote the value of the newcomers to society by showing that mainstream society is not

averse to heterogeneity. This to some extent, though, has been provided for in Section 71 of the Race Relations Act 1976 and has been further strengthened by the Race Relations (Amendment) Act 2000 (Schedule 1A), which puts responsibilities on public bodies to promote equality of opportunity and good relations between persons of different racial groups.

Historical Factors, Class and Human Capital

The labour market position of Afro Caribbeans in the UK is usually discussed in terms of cultural disposition rather than one that has its origins in class. Their “failure” signals wider shortcomings in education and repudiation of social policies. For contextual purposes, the Afro Caribbean as a distinct ethnic group evolved from the transatlantic slave trade and what Franklin describes as an important economic institution for Europeans, and perhaps the last major development in Commercial Revolution (1994:32).

It was not until the abolition of slavery in 1838 that basic education was offered to blacks in the West Indies, when the British laid the groundwork for a formal system of education in 1885 and began to build public primary schools, which coincided with the establishment of free compulsory public elementary education in Britain. Education was a major tool for the integration of ex-slaves into colonial society and was considered necessary for a peaceful and contented lower class (Miller, 1991). The maintenance of ‘public tranquillity’ was to be the main object of the religious and moral

education of the ex-slave population (Gordon, 1958:140), rather than an academically focused education.

There were limited opportunities for the population to acquire transferable skills, unlike those provided in other colonies. India was the only non-white colony to develop industry; development aid only came to the poorer colonies in the 1940s (www.empiremuseum.co.uk). The predominant export crops from the Caribbean were sugar and banana, the production of which was labour intensive and relied heavily on the unskilled and semi-skilled.

Opportunities for occupational mobility through education were very limited. In Jamaica, for example, as late as 1929 secondary education was still only available to about one school child in 50, as access to secondary education depended upon parents' ability to pay fees or upon the children's ability to earn scholarships (Morrison & Milner, 1995). Parents' ability to pay depended upon above average level of income and in order for children to be sufficiently equipped to earn scholarships they had to regularly attend school. The prevailing socio-economic circumstances meant that only a small percentage of the population would have been able to meet either or both of those conditions.

The concept of human capital meant that at the outset of mass migration during the 1940s, the average West Indian lacked the educational and

occupational quality to be on equal terms with some citizens in modern western societies, in comparison to some other immigrant groups.

As stated in Chapter 2, the majority of Caribbean immigrants to Britain, up to and including the Windrush generation, were unskilled and semi-skilled workers from rural, agrarian, backgrounds, and drawn from the lower socio-economic class.

Table 3.1
Distribution of educational qualifications by generation, ethnicity and gender

	First Generation 1979-1984				Second Generation 1998-2005			
	<i>High</i> <i>(1)</i>	<i>Medium</i> <i>(2)</i>	<i>Low</i> <i>(3)</i>	<i>None</i> <i>(4)</i>	<i>High</i> <i>(1)</i>	<i>Medium</i> <i>(2)</i>	<i>Low</i> <i>(3)</i>	<i>None</i> <i>(4)</i>
Black Caribbean	0.023	0.226	0.128	0.624	0.150	0.317	0.436	0.097
Black African	0.110	0.416	0.224	0.250	0.429	0.313	0.209	0.049
Indian	0.178	0.165	0.163	0.494	0.371	0.231	0.314	0.084
Pakistani	0.096	0.105	0.106	0.694	0.273	0.242	0.307	0.178
Bangladeshi	0.125	0.088	0.105	0.682	0.354	0.131	0.311	0.204
Chinese	0.108	0.225	0.138	0.529	0.498	0.247	0.187	0.068
Total (immigrant/minority)	0.113	0.192	0.146	0.549	0.284	0.271	0.343	0.103
Whites	0.077	0.267	0.194	0.462	0.198	0.313	0.378	0.111

Notes: Means are weighted using population weights
Source: Ethnic Minority Immigrants and their Children in Britain (*Endnote*)

Table 3.1 shows 62.4% of the first generation of Black Caribbean immigrants having no qualification, just above the Bangladeshis (68.2%) and the Pakistanis (69.4). Only 2.3% of first generation Black Caribbeans possessed “high” educational qualification, as opposed to the Indians with 17.8%, the Black Africans with 11% and the Chinese with 10.8%.

The three groups with the highest educational qualification historically arrive in the UK first to pursue higher education and or professional training,

followed by settlement, while the opposite could be said of the Afro-Caribbeans. Early studies found that many immigrants from the Indian sub-continent, lacked fluency in English, and when they did have qualifications, these were often foreign ones that might not have been recognised as having equal standing with British qualifications. In this sense, then, their human capital was not 'portable' and this could explain why many, particularly more qualified ones, experienced downward mobility on entering the British labour market (Heath & Yu, 2005).

Educational attainment, employment and life history are associated with one's employability and earnings capacity (Kan & Gershuny, 2006:8) – what is regarded as the possession of human capital. Human capital is generally understood to consist of the individual's capabilities, knowledge, skills and experience as well as the capacity to add to this reservoir of knowledge, skills and experience through individual learning (Dess & Picken, 2000:8). However, human capital as a determinant of educational credentials and economic performance, neglect wider social influences on educational achievement such as early childhood development, poverty or peer group attitudes (Piachaud, 2002:4).

The impact of social capital on the development of human capital is cultivated in early childhood and it has been shown that ethnicity, class and culture are influences, and that the types of childcare provision available to those groups are determinants. Generally, children from poorer homes are

less likely to have working mothers and so they do not get much out of home childcare in terms of building social capital. For black families it is less straightforward. Those living in deprived areas are more likely than other black families to use formal childcare, while the opposite is true of white families. This may reflect the fact that black families living in deprived areas have benefited more than their white counterparts from targeted interventions such as Sure Start local programmes and neighbourhood nurseries initiatives, perhaps because of their lower than average incomes and likelihood of black families being headed by a lone parent (Bell et al, 2005).

One outward sign of poverty is housing. Afro Caribbeans, like most of the ethnic minority population, are concentrated in the inner cities where they are under-represented in owner-occupation and over-represented in LA housing and disproportionately located in the least desirable sections of this housing (Peach and Byron, 1993:407-422). Over-representation in LA housing by the Afro Caribbean community has not always been the case as Daniel (1968) found in his seminal work into the extent of racial discrimination against the immigrant community in England. Those findings showed 48% of immigrants owned or were buying their own homes and less than 1% occupied LA housing and, according to Daniel, this was usually in areas scheduled for slum clearance or development. Many lived in the private rented sector and were exploited by unscrupulous landlords (Rex and Moore, 1967); for example, Peter Rachman's slum dwellings in London Notting Hill became a by-word for the housing problems faced by West Indians. As the

only landlord that willingly provided them with housing, they lived in appalling conditions (BBC TV, 1998). Many landlords fixed rents so high it was virtually impossible for the immigrants to live (Mullard, 1973:41). The colour prejudice of landlords, coupled with the shortage of housing, made the overcrowding of much of the accommodation available to migrants inevitable and this in turn increased their image of undesirability (Peach, 1968:100). Ethnic minority owner occupation was therefore largely in line with the general population of England and Wales where 47% were owning and 53% renting. Where West Indians considered securing housing accommodation through LAs they amounted to 41%, Pakistanis 35% and Indians 32% (Daniel, 1968:151-195).

The level of racial discrimination that was prevalent during the period of Daniel's study meant that the types of house available for new Commonwealth immigrants to buy were older houses that were located in the declining areas.

This strand of socio-economics restricts residential mobility and therefore impacts the choices open to Afro Caribbean parents in terms of the selection of how their children are educated, where they are educated and the type of education they receive.

The academic under-achievement of Afro Caribbean children, and black boys in particular, are well known. One report on the achievements of black boys

in London schools identified a number of inter-related critical factors as contributing to those outcomes and among these are negative peer pressure and insufficient levels of parental involvement (London Development Agency, 2004). There may be social pressures towards accepting the norms and values of an oppositional culture or a levelling down of aspirations leading to resigned adaptation (Heath & Yu, 2005).

Another study found that educationally, by the age of three, children from disadvantaged families are already lagging a full year behind their middle-class contemporaries. There are also ethnic differences – Bangladeshi children recorded relatively low score on school readiness tests, with Pakistani children slightly better. One quarter of the children from Caribbean and African backgrounds were delayed in their development compared to 4% of white children (Dustmann et al, 2006).

There is, though, some evidence that children from some minority ethnic group, including black Caribbean, made greater progress during pre-school than White UK children or those for whom English is a first language (Bhattacharyya et al, 2003). Robertson and Hill ascribe this to Early Years Curriculum, what they see as the more inclusive period of education as opposed to that provided between the ages of 5-16 (2001:73-90). But all available evidence suggests that this progress is not taken forward into secondary education. The failure does not suddenly appear at secondary school but evident by the end of year 2 in primary school, with the

achievement gap simply widening with each key stage (Institute of Education) (see Chapter 4 for further discussion on educational achievements).

These common perceptions are being challenged by recent research showing the underachievement of working class white children nationally (Cassen et al, 2007) and regionally (Iqbal, 2005); when compared with white British pupils of similar economic backgrounds, Afro Caribbean children do no worse in attainment.

While the debate is important, it has masked the salience of other variables within the Caribbean population, particularly the female heads of household and family structure in outcome (Peach and Byron, 1993:407-422). The complex interaction between social constraints and cultural attitudes and behaviour over time has not only weakened the inner city black family structure, it has also reduced the family's effectiveness in socialising children and preparing youngsters for future participation in society (Wilson, 1997:106) and thus labour market expectations.

The implementation of social policies, of which education is a significant component, relies heavily on the actions of government at all levels and orientated by political ideologies. Hill (2001:35-54) identifies neo-liberalism as a contributing factor in increasing inequality in education, based as it does in part on market principles of privatisation and competition. Gaine's (2001:119) view is that the historical development of equal opportunities

policies in Local Education Authorities and in schools presents a less straightforward picture and he finds that resistance to implementing equal opportunities policies is a constraint to egalitarianism, but Dunkwo (2001:59-60) highlights the limitations of this principle. He asserts that the debate on equality issues in education shows a history of the continuing attempt to cater for cultural pluralism and striking a balance for educating for difference and educating for similarity but also acknowledging the policy structures, practices and beliefs beyond the education system in the wider context of society as a whole.

The extent to which any type of assimilation can narrow the education attainment gap between Afro Caribbeans and other groups and improve their participation in the labour market is yet to be determined. Heath (2001) discounts social isolation as an explanation for continued disadvantage among Afro Caribbeans in the labour market. The evidence on rates of intermarriage with whites suggests that they are the most assimilated group by that criterion, often taken to be a key indicator of structural assimilation. However, the lack of networks and bridging social capital, linking ethnic minorities to potential employers could be one factor, as well as assimilation into lower-class social milieux. Ethnic minorities who live in areas of deprivation where most of the other residents – both black and white – have low levels of human capital may be held back by “contextual” processes. For example, there may be social pressures towards accepting the norms and

values of an oppositional culture or a levelling down of aspirations leading to resigned adaptation (Heath, 2001).

There has, however, been some improvement at the early childhood stage as shown by a Millennium Cohort Study which found that children from the most socio-economically disadvantaged groups were the second highest group receiving formal group care (30%), suggesting that government policies for the early years are successfully reaching disadvantaged children in England (Hansen et al, 2007). This could be due to some state interventions, as mentioned earlier in this chapter, to disturb the traditional transmission of inter-generational advantages based on class, through a broad range of national social provisions.

Labour Market Participation

There are variations in the social position as well as labour market and employment outcomes between and within different ethnic minorities groups as shown in a number of reports examining the position of ethnic minorities. One of the more seminal reports of recent years has found that Chinese, Indians and Africans do well, while Pakistanis, Bangladeshis and Afro-Caribbeans under-perform in the labour market, although the more successful groups don't perform as well against whites, given education and other characteristics (Cabinet Office, 2003), which is consistent with Census microdata from 1991 and 2001 (Clark and Drinkwater, 2007). Compared to

other ethnic minorities, Afro Caribbeans as a whole have high rates of economic activity (Owen et al, 2000:71) particularly for Afro Caribbean women; they are, in fact, the group that comes closest to the British and other white women, with almost 75% being economically active (Heath & Cheung, 2006:12; Simpson et al, 2006). Relative to the white group, there has been improvement for men from virtually all the ethnic minority groups, particularly for Black African, Pakistani and Bangladeshi groups (Clark and Drinkwater, 2007).

Indians and Caribbeans occupy a middle position: their circumstances are better than those of the Bangladeshis and Pakistanis but they continue to experience some disadvantage. Caribbean men have a similar manual work profile to the Pakistani and, despite some progress, are less likely to be professionals, managers and employers than Pakistanis. Indian men on the other hand are distinctly better represented in that category, as well as in more junior non-manual jobs. While of all men they probably have made the most progress up the job hierarchy, Indians remain disadvantaged compared to white men. African Asian men are as likely as white men to be professionals, managers and employers, and Chinese men half as likely. Chinese women are nearly twice as likely as white women to be so placed, although African Asian women are only three-quarters as likely (Modood, 1998:110-111).

Caribbean people experienced unemployment rates about two and a half times greater than those of white people in 1991. The male unemployment rate was 24.3 per cent, compared with 10.7 per cent for white men, while the unemployment rate for Afro-Caribbean women was 14.6 per cent, compared with 6.3 per cent of white women (Wrench et al, 1996). All ethnic minority populations aged 25 and over have higher unemployment rates than whites. Bangladeshi, Pakistani, African and Caribbean men have more than double the national rate of unemployment. At 16%, the Bangladeshi unemployment rate represents three times the national rate (Simpson et al, 2006:73). Notwithstanding lower levels of business activity in deprived areas, people from Indian, Pakistani, Bangladeshi and Chinese are more likely to be self-employed than the average, while Caribbean and African workers are less so (Cabinet Office, 2003).

The overall picture that has emerged from labour market surveys is that there is a significant difference in earning level, unemployment and access to promotion for ethnic minorities; the difference is more pronounced for some groups than others. Ethnic minorities make up 8% of the UK population (Census, 2001) but it is projected that half of the growth in the working age population will come from the ethnic minority community (www.emetaskforce.gov.uk). The 1991 Census data show that the number of Afro-Caribbean entrants to the labour market will rise markedly at the end of the 1990s and into the 21st century (Wrench et al, 1996). In the absence of

holistic, targeted, policies to address the labour market barriers that exist, society could be presented with severe economic and social costs.

UK Policy Framework

Under one interpretation or another, equality of opportunity fits with virtually every political outlook, from right to left. Economic theorists argue that a capitalist society is by its nature unequal and so faces a trade-off: the more unequal it is, the more economically efficient it becomes (Hutton, 1996:172-173). One social theory is that the legal meaning of discrimination, and hence of equality of opportunity, was divorced from the ordinary meaning of intentional unequal treatment used in political and social life. Group rights and equality of condition were introduced into public opinion as a new public philosophy that distinguishes among individuals on racial and ethnic grounds and that ultimately denies the existence of a common good (Belz, 1994:67). On the other hand, those who think in terms of a competitive world in which people are rewarded according to merit see equality of opportunity as the ideal (Van Dyke, 1990:35). Among the many interpretations of the idea of equality of opportunity one of the most prominent holds that in a just society, everyone must have an equal opportunity to pursue their chosen life plans particularly in the domain of employment (Edwards, 1998:123).

There are variations within those broad contentions and policy frameworks reflect this. Early discussion of racial equality in the UK included issues such

as immigration, education, service delivery and employment, in order to promote and foster good race relations. This showed that the case for racial justice was multi-dimensional and largely advanced on the basis of humanitarian and moral principles in order to achieve societal stability, that is to say, the public good. However, the issue of immigration was at the centre of the emergence of a policy framework, which effectively shaped the race relations debates - at least since the passage of the Commonwealth Immigration Act 1962 – for a considerable period of time (see Chapter 5 for further discussion).

The race relations policy frameworks that have operated have been carried out broadly within set legal parameters; however, they have also been subject to varying ideologies along the political spectrum. In striving for social stability race relations had to be depoliticised (Saggar, 1991) and, in order to establish a consensus around racial issues, it was necessary to frame policies through available legal provisions. A series of legislative and regulatory provisions such as the Race Relations Acts 1965 and 1968; the Local Government Act 1966 (Section 11) and the community relations movement combined to build a progressive platform as an enabler for this consensus.

What is significant is that the progress was transitory. Evidently, the application of some provisions was ineffectual and or restrictive, mainly because of their conciliatory and voluntary compliance nature, evidenced by

the substantial level of discrimination that continued in the early 1970s (McCrudden et al, 1991:1), posing a threat to societal order.

The Race Relations Act 1976, as a more substantive legislative instrument than its predecessors, provided the opportunity to reshape the dominant policy framework, characterised as the liberal policy framework (Saggar, 1991; Hansen, 2000; Geddes, 2002), by shifting tactics and making adjustments through the flexibility of its interpretation. The Race Relations (Amendment) Act 2000 serves to strengthen the 1976 Act.

The anchoring of race relations policy within legislative provisions, and as a consequence its framework, presents a number of constraints, ranging from the “accordion effect” of political and ideological considerations to the extent of legal interpretations. The potential of the 1976 Act was stymied almost immediately by the effects of laissez-faire economics that followed its introduction. The advances made in the wake of the Scarman (1981) recommendations were nullified by the challenges of social Conservatives to the progressive equality initiatives of the 1980s (Gordon, 1990), which dovetailed with the political philosophy against collectivism in all its forms (Hutton, 1996:69).

One major constraint is the public sector’s (usually within central government) approach to the legislative provisions: because they are compliance-based, many policy-makers and HR practitioners tend to interpret

the legislation from a prescriptive angle (*The Guardian*, 29.05.02) and thus policies and practices are introduced that reflect that fact. The conservative policy framework questions the concept of the liberal framework and advocates by-passing the application of race relations legislation in public policy processes in favour of “civic anti-racism” whose underlying ideal is that people of all races, classes and religions are equal, rather than the “sectional anti-racists” who do not see society as made up of individuals who share in common institutions, but see people as defined by physical appearance. And demand that individuals should be treated in a particular way because of their ethnic status (Green, 2001). This is in opposition to the objective of creating societal harmony, regardless of race and might even serve to introduce or exacerbate racial discord where they already exist.

The radical framework, which could be described as evolutionary, has been concerned with the politics of the left and broad legislative interpretations and applications have come from that perspective, which have been exceptions to the general practice and primarily carried out through local government.¹ Although this, on the face of it, could be seen as a departure from the liberal framework or repudiation of the conservative view, it is neither. Social harmony and multiculturalism are part of its objective but relies less on seeking success through persuasion or voluntary action.

Similarly, it shares the conservative view of “civic anti-racism”, although

¹ The political neutrality of the civil service precludes the operation of such a framework in the same way.

interpreted and applied in a different sense, that is to say the radical approach is necessary in order to attain the conservative brand of anti-racism.

The emergence of a policy framework on race had its origins in post-Windrush immigration (Hill, 1969; Bidwell, 1976:14), which gave rise to the two-pronged strategy of implementing stringent border controls and integrating existing migrants (Haynes, 1996:10-11; Mullard, 1973:47). A collection of strategies, policy statements, committee reports and sociological research findings serve as guides to government action, yet point to a non-political actor-orientated framework. There is an underlying strategic component in the notion of “framing processes” that suggests that political actors seek to present a problem so that the solutions they propose prevail because they “resonate” with the wider values and culture of their target audience (Snow et al, 1986 cited in Geddes, 2002). The ideas behind this policy framework can be linked to both a domestic politics of immigration and the appeasement of liberal strands within the Conservative and Labour parties who could support immigration controls so long as they were accompanied by anti-discrimination legislation (Geddes, 2002).

The political consensus established around the liberal policy framework allowed the devolution of some aspects of race policies from the centre to local government. But the behaviour of LAs dealing with race issues was wholly ineffective and random in the absence of a clear, orienting framework

for race policy (Saggar, 1991). For example, there is no agreement about the details of equal opportunity policies nor the underlying principles on which policy is or should be founded (Mason, 1995). However, being random does not necessarily equate to ineffectiveness, see the case of Birmingham City Council (Flynn et al, 1995:4). Nevertheless, the nature of the dominant policy framework could be defined as fragmented and race-neutral and, as a consequence, the question arises as to its effectiveness in delivering policy objectives.

Policymakers on the whole have not been as proactive in interpreting and implementing aspects of the Act as they could have been and, contrary to widespread assumption, those provisions to enable advancement in employment for ethnic minorities were not applied in central government to the same extent as in local government (outwith the political constraint mentioned immediately above), except in the area of recruitment, which has been consistent with merit system principles, say, through the Cabinet Office direct entrant practice. The introduction of the Race Relations (Amendment) Act 2000 has had minimal effect in terms of policy outcomes because of the race-neutral nature of existing civil service equality policies.

The policy framework that enabled progressive policies in LAs faced widespread challenges, which forced significant retreat from those practices that has caused the reform and focus across the spectrum of equality policies.

There are various ways to look at the UK public policy decisions and their evolution but they are essentially moulded in Favel's formulation of the path dependency concept and although he is sceptical of their institutional permanence, he sees them as the best way of promoting inter-racial harmony (2001:200-201). Such scepticism is not entirely misplaced given the current nature of equality policies, which is framed within the diversity concept as a business imperative rather than simply an aspect of Human Resource policy (Kandola & Fullerton, 1994; Kossek & Lobel, 1996).

The outcomes of the dominant policy framework are summarised by Hansen (2000) as governments being able to deliver the public what it wanted (2000:263). The British Nationality Act 1948 created a framework independent of racial considerations but later migration numbers ushered in what was to be the enduring framework, which, according to Hansen (2000), rests on politicians being led by the public, with opinion polls showing consistently the public's support for immigration controls (2000:14). Hansen's contention that there was no wholesale policy to racialise immigration in order to justify its control (2000:10) might only be partially correct since Cabinet Office records from the relevant period show the Home Office aimed to prevent further increase in coloured people seeking employment in the UK to avoid mongrelising the national stock (Parekh, 2000:69).

The principle of societal stability is reflected in the framework, in that the potential for unrest from the host (white) population to cultural changes is recognised, whilst at the same time ensuring there is social equality and legal protection from racial discrimination. The logic of enlightened legislation is dominated by the liberal centre's attempt to balance majority-minority relations, and to do so by removing the issue as far as possible from the centre of public political discussion. The conventional wisdom all along, on all sides, is that the ethnic communities are better off, and the general public more tolerant, if things are kept that way (Favell, 2001:124).

The general policy making mechanism from the centre involves analyses of interconnected issues and the cost or benefit to those that will be impacted in terms of majority/minority and reaction from pressure groups, political parties, etc. The object is to avoid "unnecessary" upheaval as far as possible, particularly where certain structures have been established and have proven to be stable to the benefit of a majority, unless exceptional circumstances dictate otherwise, as has been shown in the case of the enactment of the Fair Employment (Northern Ireland) Act 1989. This proved that affirmative action policies work when compliance becomes compulsory (Parekh, 2000:198), whilst at the same time reducing the potential for social disorder.

The policy framework has therefore evolved with a shifting orientation, from assimilation and integration to cultural pluralism; however, its foundation in terms of promoting the objective of societal and racial harmony has endured

over that of racial equality. Once a country or region has started down a track, the costs of reversal are very high. There will be other choice points but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice (Levi, cited in Hansen, 2002:31). Governments prefer to intervene within the existing policy framework to mitigate racial problems as they arise, rather than pursue policy reforms that will dismantle the political consensus on race. In respect of equality in employment, the perception among sections of the white population that ethnic minorities were being given “preferential treatment” owes much to set backs suffered by some LAs who implemented progressive equality initiatives (Gordon, 1990) and Hansen’s (2000) view as stated above is borne out by my research (see Chapter 9), which shows that some employers act with constraint in implementing positive action policies because of the potential for negative reaction and hence, it could be argued, results in the promotion of race-neutral diversity as an equal opportunity tool.

Conclusion

In this chapter I have explored some theoretical arguments on ethnicity and social rights and tried to show how these issues are linked in practice and addressed by government through social policies in three countries with sizeable black citizenry. The ideological perspectives that underpin such policies as well as strategies for promoting equal opportunities are also discussed.

The various factors that have contributed to the Afro Caribbean socio-economic position are also looked at and they are less conducive to the acquisition of human capital skills that facilitate social mobility. As a sum, the degree of exclusion they have experienced means they are likely to be disadvantaged when they compete with other groups, including those with whom they share some social similarities. Nevertheless, a complex picture has emerged in terms of the processes and social aspects involved in acquiring human capital. The educational attainment and labour market outcomes are not entirely reflective of the extent to which Afro Caribbeans, more than other ethnic groups, are assimilated into mainstream society through intermarriage with the white population, and the conventional view on the underachievement of ethnic minorities based on the criteria of assimilation into mainstream society is being challenged.

Discrimination is not only a matter of race or class but a problem of the relative importance of both race and class in the labour market experience of ethnic minorities in the UK.

Although racial inequality is integrally tied to economic, social and other inequalities, it is not a concomitant or a mere consequence of them. It has a different origin, history, mode of justification and often persists even when other inequalities are reduced. It is sometimes argued that taking explicit account of race perpetuates racial consciousness and stands in the way of

creating a non-racial society. The argument misses the dialectic of equality. Since race is an independent source of discrimination and disadvantage, the latter cannot be tackled without taking full account of race (Parekh, Diversity Lecture 2000:24) and so should the policy framework that will effectively govern those realities. Nevertheless, institutional change in terms of the way they function is an important factor in determining positive outcomes, rather than how they look, in terms of composition.

There is, however, another set of values involved in multiracial and multicultural societies, which conflicts with the notion of equality of opportunity. This set of values asserts that equality of opportunity involves culture assimilation and the disappearance of all that is valued in the culture of all groups in a society other than the dominant one. Accordingly, it leads to the argument that something has to be done to ensure the survival of a plurality of cultures. A fundamental human right, it is sometimes said, is the right to be culturally different (Rex, 1986:120). The UK has encouraged maintenance of cultural difference as part of its race relations policy and have made significant strides towards the goal of racial equality specifically and diversity generally. The Race Relations Act 1976 and local government equality initiatives of the 1980s have been instrumental in moving this forward, but multiculturalism is presenting challenges to societal cohesion and there is an argument to be advanced as to what extent and in what form multiculturalism should be manifested.

CHAPTER 4

RATIONALISATION OF EQUALITY: THEORETICAL ISSUES

The previous chapter discussed a variety of arguments from political, sociological and academic perspectives in France, the US and the UK on equal treatment in multicultural and multiracial societies. The legal, constitutional and political constraints in each of these countries were also addressed. This chapter will first reason that, within the fundamental concepts of rights and freedom, governments have a duty to ensure the maintenance of equality; furthermore, the principle of collective responsibility means governments are responsible for the cumulative effects of historical racial discrimination in the public realm. Second, it will look at data that support the theoretical arguments put forward for this study.

The fact that governments aim to promote upward mobility among blacks is implicit recognition that they are over-represented at the bottom of the social and economic class. The possibility exists that if that position is consolidated and they became a permanent constituent of society that would have a negative impact on society as a whole. The measures and policies that have been devised to tackle this problem are many and varied. Edwards (1978, 1987 and 1989) have argued for positive discrimination and targeted intervention, while others sought legislative changes, particularly the strengthening of existing provisions.

Rights and Freedom

Equal Opportunity

Equality of opportunity is what exists in the absence of discrimination or access (Van Dyke, 1990:36) and it is representation gained at every level (Straw, 1989:64). In defending their agenda for racial equality set against an historical background, advocates often use the analogy of a runner in a race that is shackled to a ball and chain. Whereas affirmative action as a solution to discrimination is described by some critics as placing a handicapped runner at the finishing line, or even crippling the other runners. What is needed instead, according to this argument, is to remove the shackles from the disadvantaged runner, and moreover, to dismantle those shackles so as to prevent their use to hinder anyone again. This strategy may not necessarily result in the previously burdened runner always winning the race, or even winning his proportionate “share”, but will allow him to pursue that objective based solely upon his talent and motivation while retaining self-esteem; and just as importantly, it will forever prevent others from blocking his way. However, the critics contend that the advocates of civil rights must bear in mind that the goal of economic progress is important, but it must not displace the principal thrust which is to promote individual rights and equal opportunity (see Belz, 1994; Steele, 1990).

Bolick (1988:92) contends that the sacrifice of principle to perceived expediency has made it clear that the quest for material equality as an end in itself is self-defeating and erodes the civil rights consensus, as the principal thrust is to promote individual rights and equal opportunity. Consequently, while the traditional civil rights vision may correctly claim that its principles have historically induced greater material equality, the causes and effects should never be confused. Freedom, he says, frequently leads to economic progress, but coercion to achieve equality can never lead to freedom.

A metaphorical response to these considerations is common: as noted earlier, it perceives life as a race, and it asks whether the termination of discrimination alone will bring the black to the same starting point as the white and thus give him equality of opportunity. The question invites a negative answer; and it invites the judgment that government should take special action on behalf of blacks. In the name of promoting equality of opportunity, it should seek, as a minimum to undo the effects of the discrimination for which it is itself directly responsible, and perhaps it should also do something about the effects for which it is indirectly responsible. One argument is that it has an indirect responsibility for denials of equal treatment in the public realm because of the influence of its example, and that the principle of collectivity should apply.

Some forms of discrimination may take place on an individual basis but it is generally accepted that racial discrimination takes place on a group

(collective) basis, irrespective of an individual's position within their group. Therefore if the principle of government acting on behalf of its citizens is accepted so must the principle of collective responsibility for maintaining equality.

Freedom

It is argued that blacks are provided with the same freedom as their white counterparts to succeed. Thus, freedom and equality can each take many forms and be exemplified in different ways but sometimes “equality conflicts with freedom because freedom nourishes natural inequality”, therefore, a government that wants to, say, narrow the gap between rich and poor must limit the freedom of the rich. One common way of doing this is through the taxation systems. Thus the freedom of one section of society who wishes to use that freedom to discriminate against other members of that society has to be necessarily limited in order to achieve the stated goal of fair equality of opportunity, because unfettered freedom would conflict with that goal (Raphael, 1980:57).

So it would seem that in the pursuit of racial equality, through positive action, a variant on these same principles is not only appropriate but necessary.

It could be argued that what in reality is being sought through positive action is not proportional representation in all spheres of society regardless, or positive action of results, irrespective of merit but rather proportionality in employment, education and in other areas in terms of the composition of the relevant employment pool with regard to merit.

Therefore varying interpretations can be put on the workings of affirmative action or positive action as regards its fairness to whites and ethnic minorities. You can say that in effect it attempts to eliminate the preferential treatment society gives to whites; or you can say that it is asking society to give preferential treatment to qualified blacks until they hold their assigned proportion of what society should have rightfully bestowed on them from the start. Or you can say it is attempting a mixture of the two (Van Dyke, 1990:166). Whatever the interpretation some critics want employers to be unencumbered by notions of equal employment opportunity. Equal employment opportunity should prevail on a colour-blind basis, operated through a combination of voluntary compliance, agency conciliation and judicial enforcement in civil litigation (Belz, 1994:17), while Carter (1991:72) “... cannot understand the logic... that the situation of all black people is the same.” Such line of thought may have contributed to the focus in the 1990s to the concept of diversity (rather than equal opportunity) and the ideal of “managing diversity”, possibly with the aim of supplanting or (in certain circumstances) complementing positive action, which is discussed later in detail in Chapter 9.

Affirmative Action

Looking at the US, affirmative action as a concept has a complex definition, history and political evolution. It was never a law, or even a coherently developed set of governmental policies designed to attack institutional racism and societal discrimination. It was instead a series of presidential executive orders, civil rights laws and governmental practices and licenses with the goal of uprooting bigotry. Historically, at its origins, it was designed to provide some degree of compensatory justice to the victims of slavery, Jim Crow segregation and the resultant institutional racism (Marable, 1995:81).

It was born out of the Civil Rights movement of the 1950s and 1960s, which itself was spawned by the injustice and social degradation that societal exclusion had bestowed upon a particular group of citizens. The views and opinions held on, and the description of, affirmative action are as varied as the many constituents of the concept itself.

Half-hearted attempts were made at various times to rectify the effects of this injustice, particularly during the Roosevelt era (Lawson, 1991:31-32) but these never amounted to much. Whilst marked improvements could be seen on the surface the reality of black life with regard to their social and economic situation was quite different. There were also contradictions (Marable, 1991:99-100 and 1995:5). While Americans died in South-east Asia (including a disproportionate number of blacks) fighting for democracy and freedom,

blacks remained undeniably second class citizens at home. They were disenfranchised, denied the fundamental freedom to earn an equitable wage, to live where they wish, to be educated where they wish and, generally, to be on equal terms with the other 90% of the American population.

As part of the knock-on-effect of the struggle for civil rights, affirmative action made its first appearance in President Kennedy's Executive Order No. 10925 but only as a rhetorical flourish; it meant little more than desisting from discriminatory action (Edwards, 1995:94). It required that contractors post notices and make announcements of their non-discrimination obligations. However, in the subsequent decade it was to become formalised into a pattern of particular requirements that meant more than just not discriminating. President Lyndon Johnson first used the term in a 1965 executive order committing the federal government to provide equal opportunity in employment (Edwards, 1995:97). For more than 30 years, beginning with that order - but only fully implemented by a Republican president, Richard Nixon - the US government established a series of schemes designed to achieve ethnic diversity in public bodies.

However, it was primarily direct action, which played the most significant role in bringing about such changes, but the United States Constitution was an additional weapon with which the civil rights movement fought for racial and social justice.

Perception and Interpretation

When the US Congress passed the Civil Rights Act of 1964, it was generally assumed that discrimination took place primarily through conscious, overt actions against individuals. Title VII of the 1964 Civil Right Act intervened into the workings of the labour and occupational markets as they produced and reinforced racial discrimination and inequality. It set out equal employment opportunity as the normative base for the operation of these markets and thereby made it unlawful for the principal actors in these markets to discriminate because of race (Ringer, 1983:331). However, it was later realised that the process of discrimination was much more subtle and complex and was clarified in the well-known case of *Grigg v Duke Power Company*.

This case involved a class action suit brought by black employees under Title VII against the company's educational and testing requirements for employment, transfer and promotion. The employees claimed that these requirements produced disproportionately negative results for blacks and thereby continued the effects into the present of the past discriminatory practices the company had actively pursued prior to 1965 (Ringer, 1983:394). The result was that intention, not merely discriminatory result had to be evident for a practice to be deemed unlawful.

Edwards (1995:96) defines the affirmative action concept as denoting efforts to promote fair and unprejudiced treatment, if not preferential treatment, for persons belonging to groups that have been the victims of discrimination or that are otherwise disadvantaged. The US Commission on Civil Rights sees affirmative action as “any measure beyond simple termination of a discriminatory practice adopted to correct or compensate for past or present discrimination or to prevent discrimination from recurring in the future” (Boston, 1999:83).

It is based on federal regulations, preferential treatment and race consciousness (Yakura, 1996:36). Yakura compares affirmative action with equal employment opportunity and contrasts them in positive and negative terms. Equal employment opportunity is the ideal under statute with assumption of equality/egalitarianism, meritocracy and race neutrality, matched by values held by many people. Affirmative action, on the other hand, has negative assumptions. The rationale, she argues, may be equal opportunity, but the positive ideals are interfered with by “unfairly redistributing a fixed pie”.

But the analogy of equality as a pie has been viewed in the reverse by Isaiah Berlin, who uses an illustration where a pie is to be distributed among six people and is divided into six equal pieces. If each person receives a piece there is no need to justify what has been done, as it is taken for granted that it is natural to treat people alike in the absence of any reason to treat them

differently. In contrast, if the pie is cut into five unequal pieces and shared to five of the persons, with nothing for the sixth then every observer will ask, at least to himself, what is the justification (Berlin, 1956:301-26).

It is critically seen as “extensive government intervention into the free market” and as a theory of equality that requires comprehensive and systematic social engineering in order to eliminate or negate the natural differences between individuals (Belz, 1994:7-10).

There are two quite different types of goal that have been customarily attached to the practices of affirmative action and preferential treatment. Goldman (1979) and Edwards (1995:23) characterise these as forward and backward looking goals and are supported by Van Dyke (1990:197): the former focusing on the promotion of equality of opportunity by relief from discrimination and the meeting of needs, whilst the latter emphasises the remedial nature of the practice as means of compensating for past harm and injustice, resulting from negative discrimination. However, the two types of practices are not equally suited to the achievement of both goals: affirmative action is, in most circumstances, more appropriate for enhancing equality of opportunity, whilst preferential treatment (which anyway will often override the formal requirements of equality of opportunity) will be more effective in bringing about compensation. Nevertheless, both practices can be used in pursuit of both goals, though compensatory arguments are less common and less popular than arguments for greater equality of opportunity. Hence in

practical terms, equality of opportunity has been paramount in the pursuit of social justice under the umbrella policy of affirmative action.

Despite that reality, the principles established in Griggs were integral for genuine progress to be made in striving for racial equality in the area of employment. Because “disparate impact” acts as a deterrent against indirect racism and discrimination, as by its very nature it prompts employers to voluntarily implement affirmative action policies.

Affirmative action as a goal-oriented strategy operates in large measure by means of promoting equality of opportunity. The logic therefore is that its constituent procedures act in a variety of ways to increase the opportunities of which minority group members can avail themselves. Equality of opportunity is a porous concept though. In some of its formulations it is unattainable. In others it raises expectations that in practice will only be partially fulfilled and no more is this the case than when they are based on a mixture of ideological rhetoric and unclear thinking. If affirmative action were ever to be of value it must operate with a sound and sensible version of equality of opportunity and one in particular that recognises the limits of effective intervention.

Equality of opportunity has been variously interpreted as an equal opportunity to do, or achieve something – such as a personal life plan, a job or position or status – or as equality of results. The last of these can be

despatched first. Inequality of income and wealth are in large measure determined by the reward system. A successful equal opportunity strategy would result in a randomising of people's opportunities to be placed at any given point on the reward system. It is convenient therefore to think of the pursuit of equality of opportunity as progressing through two main stages: the first is the removal of morally arbitrary barriers; the second is to compensate for the effects of deprivation and poverty. Therefore, affirmative action operates mainly but not wholly through equality of opportunity by removing barriers to opportunity to better enable people to compete effectively (Edwards, 1995:37-38).

However, there are a number of constraints to this, ranging from direct and indirect discrimination to custom and tradition. But the most common and most damaging constraint is indirect discrimination, which is the main focus for affirmative action practice. Indirect discrimination is legislated against in the United Kingdom under Section 1 of the 1976 Race Relations Act. In the US, Title VII of the Civil Rights Act makes no explicit reference to it though it has been recognised as a signal feature of employment litigation ever since *Griggs v Duke Power Company* in 1971 under the name of "disparate impact" or "adverse effect". The Supreme Court entered a decision in the *Griggs* case that effectively wrote indirect discrimination into Title VII. It was the first major employment discrimination decision by the Supreme Court and revolved around whether tests and qualification requirements for

progression within the company which were passed or obtained differently between white and black groups were discriminatory.

The critics of affirmative action found a champion in Ronald Reagan and the Republican Party under his leadership vigorously challenged the social and civil rights legacies of the 1960s (Morgan, 1994). Elected President in 1980 and 1984, he adopted a conservative social agenda whose main emphasis was to shift as much responsibility as possible from the federal government to the states and localities. [At state level freedom exists for state governments to implement policies that are not binding on the Union as a whole.]

This agenda also envisioned a shift from what critics saw as coercive policies, such as affirmative action hiring programmes, to voluntary efforts. What's more, conservative Justices were appointed to the Supreme Court who would in time reflect this aspect of government policies in their judgements. The nature of the American judiciary and the role it plays in these matters means that the situation in the United States can change from time to time, and the result will usually reflect the political thinking of the day.

Patterson (1994) states that President Reagan believed that government should relax its efforts on behalf of blacks and other minority groups, and that affirmative action programmes promoted reverse discrimination. Therefore, these policies ought to be rejected. Reagan's first line of attack was through the budget (Morgan, 1994). In 1981-82 affirmative action

agencies such as the Equal Employment Opportunity Commission (EEOC) and the Civil Rights Division of the Justice Department suffered heavy funding reductions, which inevitably limited their operation. In support of this, Paterson (1994) also found that the EEOC filed 60% fewer cases by 1984 than it had at the start of the Reagan administration and that the Justice Department virtually ceased to prepare suits against segregation in certain areas. However, it is in the sphere of employment that affirmative action suffered most, through judicial decisions, during this period.

Between 1986 and 1991 the Supreme Court made nine rulings which in varying degrees narrowed the reach of anti-discrimination law and practice. In 1988/89 term alone under Chief Justice Rehnquist there were seven rulings, which attempted to rein in anti-discrimination practices. These judgments were *City of Richmond v J A Croson Company*, *Wards Cove Packing Co v Atonio*, *Martin v Wilks*, *Patterson v McLean Credit Union*, *Price Waterhouse v Hopkins*, *Lorance v AT&T Technologies* and *Independent Federation of Flight Attendants v Zipes*. The most significant of these was the Wards Cove case, which struck at the heart of Title VII of the 1964 Civil Rights Act and effectively overturned the landmark 1971 decision in *Griggs v Duke Power Company*. According to the latter, the existence of discriminatory employment practice could be established through “disparate impact” statistical evidence showing that personnel practice had an adverse effect on minorities, even if there was no proof that an employer intended to discriminate. It required employers to prove that tests or other means of

selecting employees that had a discriminatory impact were justified by what was termed “business necessity”. By contrast Wards Cove shifted the burden of proof on to the plaintiff, who now had to demonstrate, instance by instance, that a particular employment practice was discriminatory. Statistics showing even dramatic racial imbalance in job categories were no longer enough to prove employer discrimination (Morgan, 1994).

Thus proponents of anti-affirmative action initiatives join forces with anti-tax groups, building a vast coalition of conservative voters favouring smaller government and fewer regulations (*South Carolina Black Media Group*, 6-12 April 1995). Jeb Bush, the Republican Governor of Florida, brother of US President George W Bush signed an executive order wiping out race and ethnicity as factors in state contracting (*The Washington Post*, 10 November 1999), saying opportunity and diversity can be increased without using policies that discriminate or pit one racial group against another.

President Clinton’s administration walked a tightrope on the affirmative action controversy. In 1992 he promised an administration that looked like America and duly delivered. This promise saw notable black figures in his administration such as Ron Brown (Secretary of Commerce and Democratic Party Chairman), Joycelyn Elders (Secretary of Labour) and Henry Foster to name a few (*Crisis*, September 1998). The President, visiting peacekeepers in Kosovo in 1999, told them that their diversity was a potent symbol to warring Albanians and Serbs (*US-1 Today*, 24 November 1999). Yet in 1997 the same

administration ordered a review of all federal government affirmative action programmes to determine which, if any, of the programmes unfairly discriminated against white contractors (*San Francisco Bay Review*, 3 November 1999), while insisting “amend it, don’t end it”.

On the face of it, the Clinton Presidency seemed good for black America – indeed, the black poet Maya Angelou called him America’s “first black president” – in that he did not repudiate affirmative action programmes. However, he did something outstanding, though symbolic, and that was to apologise to black people for slavery and past servitude. His positive standing with black people was due to the fact that he was not hostile or negative towards the civil rights gains of the 1960s, though he wanted to regain Democratic support that had gone to the Republican Party in the 1980s – the so-called Reagan Democrats.

Turning to the UK where the situation is different, partly because of the fact that its relationship with its ethnic minorities is different from that of the US and the difference in the workings of the judiciary. Nevertheless, many of the core principles of affirmative action are within what is referred to here as “positive action” and contained in the Race Relations Act 1976. Here the reversals in equal opportunity initiatives in the workplace comprised several strands: mostly through organisational policy decisions, necessitated in certain circumstances by external political considerations as well as complacency, but

there have also been legislative retreat, by way of the Local Government Act 1988, which prohibits contract compliance.

The British model of race relations legislation is unique within Europe and one of the major struggles taking place in the progression towards the unification of Europe is about the extent to which specific legislation and institutions should be established (Anthias et al, 1992:157) in pursuit of harmonisation. Since the early 1960s there has been a continuing development of legal concepts and of enforcement mechanisms and institutions. The general trend of development has been the extension of the concept of discrimination, a strengthening of enforcement mechanisms, such as increase in the powers of the regulatory agency and a change in the role of litigation (McCrudden et al, 1991:8).

Since 1969 all government contracts have contained a standard clause requiring contractors to conform to the provisions of the Race Relations Act, specifically the clauses relating to discrimination in employment. This practice was seriously compromised under the Local Government Act 1988, although these clauses were passive compliance as they were never effectively monitored or enforced (at least not early on). Some aspects have an historical precedent, but it is only in recent years that it has developed into an active policy to promote equal employment opportunities.

The policy closely follows that in the US though in Britain it has been used only by some local government authorities, not by central government (Edwards, 1989). In essence, it requires of companies that tender for contracts from LAs that they undertake to adhere to a set of guidelines laid down by the CRE in respect of hiring and promotion of the target groups.

Contract compliance has been used in four main areas, although these areas are not necessarily self-contained. The areas listed are generally in the order in which they have been developed. There is the accepted practice that all contractors are required to meet standards of quality, price, technical efficiency and financial soundness. This approach was adapted to promote better employment practice and was further adapted to try to ensure equal employment opportunities for ethnic minorities, women and the disabled (IPM, 1987). But advocates of the free market principles found aspect of contract compliance unacceptable and their argument is two-fold: deregulation and value for money.

The introduction of contract compliance by the GLC was to extend the principle of equal opportunities to its suppliers, which enraged sections of the business community (Haynes, 1997). Part II Section (17) of the 1988 Local Government Act is widely acknowledged as being introduced purely to appease the business community and conform to free market principles, by arguing that it contravened EU law. But Edwards (1989:11-21) questions the government's interpretation of the Directives (71/305/ECC and

77/62/EEC) on which it relied for proscription and reasons that it condemns many ethnic minorities in the inner cities to long term unemployment.

Another set of reasoning is that the “burden on business” imposed on firms represents an unnecessary constraint on the free operation of the market. Contract compliance entails large workloads on personnel staff for little return in benefits to the firm’s personnel practice. The procedures are too complex and not related to the contractor’s business interests. In value for money terms, freedom to contract ensures “fair competition” and value for money for the purchasers. “Non-commercial” clauses have, by definition, nothing to do with value for money and are therefore inappropriate. It is equally inappropriate to seek through contract compliance, “the innocent objectives of equal opportunities” (IPM, 1987). According to the Confederation of British Industry (CBI), the promotion of equal opportunities is a matter for the Equal Opportunities Commission and the Commission for Racial Equality (*Chelsea News*, 14 January 1983).

Thus, these concerns were in effect addressed by the Local Government Act 1988 when it proscribed local labour contracts.

Turning next to the crucial aspect of the roll-back of positive action initiatives and policies in the workplace, and its long term impact, I have indicated in Chapter 2 that some previous supporters have become critics. Leo McKinstry, a former Islington Labour councillor, previously involved in

developing and implementing progressive social policies, wrote in *The Daily Telegraph* that “*Labour councils are obsessed with issues of race, gender and sexual orientation. Equal opportunities proliferate. Thousands are spent on ‘equalities’ training programmes*”, and Sally Weale gives a detailed account of the orchestrated campaign against that local authority’s (Islington Council) equality policies. (*The Guardian* [G2] 20 June 1995).

However, the wider campaign from the perspective of local politics is best summed up by Ball and Solomos:

“By the late 1980s, however, there were already signs that even previously radical local authorities were adopting a lower profile on issues concerned with racial equality. This seems to be partly the result of the increasingly negative public attention given to the policies and programmes pursued by a number of local authorities.... Additionally, the Labour Party has increasingly sought to distance itself from being directly identified with the actions of the urban left in these local authorities and to encourage them to give a lower profile to issues which are seen as either controversial or minority causes” (1990:12).

John Edwards (1995, 48&67) found the consequences of the attacks on LAs equality measures. He notes that in one LA in 1988 when the Conservatives won control of that authority virtually all existing race relations apparatus was dismantled and the place allocated to race policy was marginal. He further observed that “*Equal Opportunities Strategy and Action Plans that every department is required to draw up were virtually silent on the matter of employment, being almost entirely concerned with service delivery*”.

Placing emphasis on service delivery was not in itself a negative aspect of equal opportunity policy; however, this was implemented to the exclusion of other considerations that had previously been advanced through recommendations such as those contained in Scarman and other House of Commons investigations.

The experience of LAs seems to mirror that of central government initiatives, since there has been a gap between the promise embodied in policy statements and the actual achievements of policies.

The National Health Service initiative to fast-track ethnic minority managers into senior positions to counter white domination at the top of the service (*The Guardian*, 15 March 2004) has ran into difficulties. Similarly, a police proposal to raise the number of ethnic minority officers in the force under a positive action initiative (www.personneltoday.com) has been withdrawn, following advice that it may discriminate against white men (*The Guardian*, 8 March 2006).

The CRE found that 15 government departments were not complying with their duty under the Race Relations (Amendment) Act 2000 to assess new policies for their impact on race equality through Race Equality Impact Assessment (REIA). Eight of these departments had not undertaken a single assessment and were asked to explain why they were ignoring their legal

duties. The CRE threatened enforcement action for this failure (*CRE Press Release, 19.2.06*).

The fiscal constraints imposed by central government and pressure resources available to LAs have left little room for the maintenance of the initiatives already introduced or for new developments (Ball and Solomos, 1990:11). The destruction was not race-specific but part of the wider destruction of local government. Rate capping was one means where to stay within spending limit meant a reduction in staff or a reduction in service provision or both. However, in areas where black people constituted a measurable proportion of the population they were disproportionately represented in those losing their jobs and suffering from a reduction of service (Haynes, 1997).

If the aim of promoting upward mobility among blacks is to be realised, political decisions undertaken in isolation of wider social issues concerning the ethnic minority workforce, particularly those in the public sector, will undermine that objective. The processes involved in creating and maintaining racial disadvantage in the labour market are complex, yet subtle, and it is the subsequent impact of indirect discrimination on the human resources that will have the greatest bearing on that aim. If we are then left with insufficient ethnic minority workplace success among the second and third generation of immigrants, it is appropriate to ask “why” and how much has changed over the past generation.

General conclusions can be drawn from past research and a series of studies designed to monitor and record the prevalence and distribution of racial discrimination in Britain have consistently shown socio-economic disadvantage among ethnic minority groups. The four National Surveys of ethnic minorities carried out by the Political and Economic Planning (PEP) and its successor, the Policy Studies Institute (PSI), provide attitudinal data on ethnic minorities, and although they don't focus solely on employment related attitudes, there is ample evidence to show instances of continued discrimination in the labour market.

The findings of a synthesis of research by the Cabinet Office Strategy Unit show that despite significant improvements, there is evidence that racial discrimination still exists within some workplaces, which could be attributable to direct or indirect discrimination, resulting in "ethnic penalties" (Cabinet Office, 2003:38-39).

Theoretical explanations for the unskilled, manual labour, positions among the black workforce have traditionally linked these to qualifications and educational background. The assumption was that overseas qualifications and inadequate language skills act as barriers to success in the labour market, while human capital - that is, the combination of tenure, domestic education qualifications and skills enhanced job and promotion prospects. However, these surveys show that the job positions of a significant proportion of ethnic

minorities are not commensurate with their domestic education and qualifications.

The Third PSI survey, for example, shows that 26% of second generation Caribbean males and 37% of females were in full time education up to age 19. Although the percentage of this group holding degrees was low, in the age 16-24 category, the proportion with O'level and above qualifications were on par with a similar proportion of white people (Brown, 1984).

Similarly, the Fourth PSI survey shows that, like other ethnic minority groups, Black Caribbeans stay on, or return to post-compulsory education, but occupy jobs below their qualification levels (Modood et al, 1994:100-102). In 2002 almost one-quarter (23%) of working age people working towards a qualification were from Black Caribbean background and of these 22% were working towards a degree or equivalent (LFS, 2003). At 14%, Caribbean men and 5% of Caribbean women had the lowest representation in the top category of professionals. Comparing the position of the Afro Caribbean population in the First National Survey in 1967 (PEP, 1967) with the Fourth Survey, they have failed to close the gap on the white population in career terms (Modood et al, 1994:63-82). However, it should be noted that this is not a direct comparison of the racial profile of job market or workplace composition.

Between 1997 and 1999 most ethnic groups, including Black Caribbeans, saw a rise in achievement of five or more A*-C grade GCSEs. In 1999 46% of girls and 31% of boys in this ethnic category achieved those grades (LFS, 2002). The breakdown of the 2007 GCSE results show that 49.1% of Afro Caribbean pupils got 5 good GCSEs, compared with 44% in 2006 and up from 35.6% in 2004. Since 2003, the percentage increase in the number of achieving similar result has been almost double the national increase, meaning that the gap has narrowed by eight percentage points in four years. The results also show that working class boys, regardless of ethnicity, are the lowest achieving group (*The Guardian*, 28 November 2007). However, the Cabinet Office synthesis referred to above focused on the gap between the Black Caribbean group and that of the White average (2003:53), but it is educational achievements beyond compulsory schooling that influence the human capital.

Therefore, traditional theoretical explanations for the lack of career success among ethnic minorities can no longer be attributed solely to lack of educational success, or motivation, relative to the white workforce. Disadvantages found among ethnic minority in education are now largely attributable to social class and class origin.

The evidence of direct racial discrimination found in the First National Survey was overwhelming, but with more substantive anti-discrimination legislation in place, subsequent surveys have shown a lessening of the blatant

forms of racial discrimination revealed in that study. I shall discount inadequate educational attainment as the principal reason for the lack of career success and will therefore turn to the more elusive type of discrimination - indirect discrimination.

It is difficult to identify and demonstrate the existence of indirect discrimination, but there is sufficient statistical data and anecdotal evidence from the public sector workers and their representatives to support this theory.

Table 4.1: Race Discrimination Applications Registered by Employment Tribunal: All Jurisdictions

Year	Numbers	Percentage
1998-1999	3,318	
1999-2000	4,015	21.0
2000-2001	4,238	5.55
2001-2002	3,889	8.23
2002-2003	3,638	6.45
2003-2004	3,492	3.73
2004-2005	3,317	5.0

Source: Employment Tribunals Service²

Table 4.1 shows that the total number of racial discrimination cases referred to Employment Tribunal (ET) rose between 1999 and 2001, by 21% and 5.55% respectively, but fell back between 2002-2005 by 8.2%, 6.45%, 3.73% and 5% respectively. However, the Advisory, Conciliation and Arbitration Service (ACAS) attributed the significant 21% rise in racial discrimination cases referred to ETs in the year 1999/2000 to increased awareness, following the publication of the Macpherson Report (ACAS Report, 2000).

During 2004/05, in 59 racial discrimination cases, the maximum award was £170,953, the median £6,599 and the mean £19,114 (CRE, April 2006). The last 12 months have seen compensation of £1.6m and over £2m awarded in ETs in cases of race discrimination. In 2005 the CRE spent well over £1m on grassroots legal support, in addition to handling several hundred cases directly (*Daily Mirror*, 15 July 2006).

However, the ETS statistics do not give a sectional breakdown of cases and extrapolating public sector data is further complicated by the methods used by public sector employees and their representatives in referring cases to ETs. Local union representatives can refer a case to ET, independent of the branch representative, while the branch representative can equally refer a case, without consultation with the headquarters legal team. This means that statistical data is not systematically collected for straightforward presentation.

Nevertheless, in 2003, TUC research estimated that unions won over £18 million a year for members in ET claims. There were significant increases in the average awards for race discrimination cases, up 60% on 2002 to £13,205 (*Press Release*, 2 May 2003).³

Additionally, anecdotal evidence from union representatives and individuals in the Civil Service suggests that most of the cases handled on behalf of

² Extracted from all ETS Annual Reports & Accounts between 1998/99-2004/05, www.ets.gov.uk

³ Complete document can be accessed at http://www.tuc.org.uk/em_research/tuc-6613-f0.cfm

ethnic minority employees are classified as racial discrimination. Approximately 80-90% of those cases relate to the reporting and appraisal system, and specifically end-of-year assessment markings, which are categorised by the union as indirect discrimination.

The government commenced a consultation exercise in 2001 with the aim of reducing the number of cases that enter the ET system and improving the case management of those cases that do. The rationale advanced for the proposal was to encourage employees to make better use of workplace dispute resolution procedures, before taking their claim to ET (DTI, 2001). Opponents of the proposals argue that the real aim is to discourage tribunal applications by making it more difficult for employees to make a claim and thereby stem the rise in the number of ET cases (PCS, 2005).

Of 77,275 cases registered at ET in England and Wales in 1998, an LA was named as a respondent in 5,847 cases, representing 7.6% of all cases. It suggests that the number of cases per thousand employees was 2.88 in local government and 3.64 in the economy as a whole. The incidence of cases involving equal pay, sex discrimination, race discrimination, failure to provide a written statement of terms and conditions of employment and disability discrimination was higher in local government than in the wider economy (Employers Organisation, 2001).

As can be seen from closer examination, although the ETS statistics indicate that there have been reductions in incidences of racial discrimination in the workplace, this is not necessarily the case. Not all incidences of racial discrimination are reported, particularly incidences that are regarded as indirect discrimination, which are difficult to prove and thus there is reluctance to pursue such cases as there is a high probability of failure. Furthermore, these statistics do not include racial discrimination cases that were reported but settled in the employees' favour through internal grievance procedures. The fall in cases referred to ETs coincided with the public consultation exercise to improve dispute resolution, with the aim of reducing the number of cases entering the ET system and the anecdotal evidence suggests that employers and trade unions began implementing the new rules before it was officially introduced in October 2004 and this seems to be reflected in the figures.

Conclusion

Political inertia has arisen in certain areas of race relations policies (Gilroy, 1990:192), and reversals have occurred in others (Gordon, 1990:189). While some of the studies referred to above are by some standards "dated", their implications are instructive as far as the cumulative effects of indirect discrimination are concerned, and are therefore of enduring value. It was the findings and long term social implications in the PEP (1967) study, for example, which contributed so much to improved legislative and regulatory

provisions and provided a benchmark against which race relations trends were to be measured. Nevertheless, in addition to other data, what I have presented in the second half of this chapter are statistical and qualitative evidence of continued prevalence of indirect racial discrimination and suggest that there is a need for programmes and policies to effectively combat this subtle form of racism within the context of this study. Possibilities for this will be addressed further in Chapter 10.

The following chapter will give a legislative and political overview of the development of equality provisions.

CHAPTER 5

DEVELOPMENT OF EQUAL OPPORTUNITY: THE LEGISLATIVE FRAMEWORK: 1965-2000

I have illustrated in Chapter 4 that the modern state is obliged to provide equality of treatment to all its citizens and will chart here the progress of those provisions. However, the concept of social justice and the state's involvement in its delivery is not new and can be traced to the beginning of modern national statehood and the system that became known as local government (Tillett, 1949:17-18). England had passed out of mediaevalism and the Reformation and the dissolution of the monasteries, which accompanied it, left pressing social problems. These problems then fell to local administrations, which were the forerunners of the modern social services, to address (Hadfield and MacColl, 1950:9). The services provided by the state bodies that emerged were to be in the interests of citizens from the cradle to the grave (Mais, 1939:21; Maud and Finer, 1953:10), but these provisions did not take account of modern issues such as equal opportunities, and certainly not racial equality. However, the presence of ethnic minorities in the United Kingdom in increasing numbers added a racial dimension to the operation of social policies.

Policy Evolution

The system of local government has evolved gradually (Wilson and Game, 1998:41) and there is no codified constitutional document setting out the

rights and responsibilities of LAs and their relationship with national government. Instead there is a set of institutions and practices that were created and have adapted in response to changing circumstances (Hampton, 1991:17-21).

This adaptation has not been incremental, as is the case with central administration. The tendency in dealing with the periphery has been to tear up existing arrangements and start again (Pimlott and Rao, 2002:21). From time to time it was necessary for the system of local government to be rationalised. The Local Government Act 1888 was one such rationalisation, which created 62 County Councils – the London County Council and 61 county boroughs, all directly elected. The Local Government Act 1894 completed the reform of English and Welsh local government outside London by creating elected Urban District Councils (UDCs) and Rural District Councils (RDCs) (Wilson and Game, 1998:45; Stewart, 2000:31; Byrne, 1994:19).

The history of local government is one of continuous change, and London eventually outgrew its 19th century local government structure (Byrne, 1994:113), thus the Herbert Report in 1960 recommended further changes to the structure of local government. A unique strategic authority, the Greater London Council (GLC) (Chandler, 2001:21), then represented London as a whole. This coincided with the period during which the state's involvement

with racial issues was becoming more of a necessity in meeting the social needs of the immigrant population.

By 1965 it was estimated that there were significant numbers of immigrants from the new commonwealth present in the United Kingdom (see Chapter 1 for related figures). The absorption of such a significant number of newcomers threw up numerous social issues and gave rise to a great deal of divisions within the host community. Local housing authorities faced problems, where large numbers of immigrants lived in unsatisfactory conditions and schools that had to provide for children where English was not their first language.

Apart from the pressure that was placed on existing school accommodation, which tended to result in larger classes, teaching problems arose primarily because many of the immigrant children needed special tuition in English before they were able to participate in normal school activities. As a consequence, educational standards were affected as a result of teachers' preoccupation with the needs of immigrant children (Home Office file – HO376/128).

The resentment demonstrated towards the new immigrants occasioned the Labour Party, while in opposition, to call for legislation to be enacted to protect the immigrant minorities from those members of the host community who felt strongly about their presence in the country. Having to live

alongside non-whites seemed to have been most irksome, evolving into an informal “colour bar”. The prominent case of Learie Constantine, a Trinidadian cricketer, hired by the British government exposed this, having been refused a room at a London hotel for the simple reason that he was black. The court case that followed highlighted the fact that legislation was a necessity if overt racism of that nature were not to become ingrained and thus socially acceptable. This case was alluded to by the Solicitor-General in Parliament as an example that the law then was not wholly silent on the subject of race as Constantine recovered damages against the hotel in a civil case (Hansard 1044, 3 May 1965). But the legal redress available to deal with this kind of discrimination was insufficient in dealing with the day to day activities of a significant minority of the population.

The call for legislative measures had to await the election of a Labour Government as it was unlikely to have been contemplated by the Conservative Government of Sir Alec Douglas-Home. The stated policy of the Conservative Party was that any problems that existed should be dealt with by conciliation only, without the need of “...*importing criminality into the solution...*” (Peter Thorneycroft, Conservative Home Affairs Spokesman, Hansard 943, 3 May 1965).

On the assumption of power in 1964, the Labour Party found themselves in a quandary on the issue of racial equality. Having given a commitment while in opposition to bring in legislation, and sealed that pledge in their manifesto, it

was difficult for them to resile wholesale from this promise. On that basis, it would seem that legislation of some kind had to be introduced and a Bill to this effect was brought before Parliament in 1965. If there were ambivalence on the part of the government, then probably they had good grounds on which to be. In the Second Reading debate on the Bill 33 MPs took part, including Sir Frank Soskice, the Home Secretary and Sir Dingle Foot, the Solicitor-General. The Home Secretary moved the Bill and outlined its stated aims and objectives as having two aspects:

“... One is the exercise of an effective control on the numbers who come to our shores, and measures were announced on 4th February this year to achieve this...

The other aspect of our policy is that directed to achieving the task of settling the new arrivals into our community as in every sense first-class citizens. It is to the achievement of this task that the Bill is directed. Basically, the Bill is concerned with public order...”.

Of the 33 MPs who took part in this debate, only eight spoke in favour of the Bill (excluding the Home Secretary and the Solicitor-General). The speeches of the eight members [seven Labour and one Liberal] in support of the Bill carried the caveat that they would be dissatisfied with the Bill without amendment to add some form of conciliatory machinery.

The fundamental opposition to this Bill was, in retrospect, rather mysterious, considering its limited aspirations to tackle overt acts of discrimination in public places. The MP, Ronald Bell, stated opposition to the Bill was on the basis of its encroachment on personal freedom (Hansard 982-983, 3 May 1965).

The suggestion that the action of a government to reign-in the worst racist excesses, whether perpetrated deliberately or subconsciously, albeit by a minority, is an attempt to trample on the cherished principle of freedom was not new and has been argued in other countries. The defence of the Jim Crow doctrine of “separate but equal” was partly defended by the southern states in the US on the basis of freedom of the states to run their own affairs. The emphasis was placed on “separate” and virtually no attention paid to the “equal”. But a distinction must be drawn between the abuse of freedom and from freedom itself, when the purpose was to affect flagrant cases of discrimination. What is crucial for freedom of speech is the distinction of the freedom to question a doctrine or an opinion or a belief, and the freedom to attack someone for something to which he cannot conceivably make any difference (Shirley Williams, Hansard 1018, 3 May 1965).

Selwyn Lloyd, MP, argued that the Bill should not carry sanction of the criminal law, as it would make criminals of the British people and that compliance should be on a voluntary basis (Hansard 1032-1044, 3 May 1965). If there were only conciliatory machinery in place with voluntary compliance, and no sanction of any kind, there would have been no point in legislating, which might have been Mr Lloyd’s desire, although such an intention was unstated. The legislation that reached the Statute Book emerged with the conciliatory machinery, strongly advocated during the Parliamentary debates.

The introduction of the Race Relations Act 1965 made it unlawful to practice discrimination on grounds of colour, race, or ethnic or national origins in certain public places. It established the Race Relations Board, which was required to set up local conciliation committees whose duty it was to attempt to achieve settlements in cases of alleged discrimination satisfactory to the parties concerned. Where these committees could not reach a settlement in individual cases they would report to the Board who in turned report to the Attorney General. The Attorney General could then at his discretion seek an injunction in the Courts to restrain anyone shown to be practising discrimination from continuing to do so.

The creation of a new National Committee for Commonwealth Immigrants (NCCI) emerged as part of the conciliatory machinery, to replace the original body set up on 1 April 1964. The NCCI was first set up on the recommendation of the Commonwealth Immigrant Advisory Council (CIAC), an organisation put in place with the passage of the Commonwealth Immigrants Act 1962. The CIAC advised the Home Secretary on matters that affected commonwealth immigrants in the UK. As a result of the 1965 White Paper – the existing NCCI was replaced and the CIAC disbanded, changing the emphasis of the NCCI to “bring special knowledge and experience to bear on the problems arising from commonwealth immigration” (Cmnd, paragraph 74).

Haynes views the set up of the NCCI as a sop to blacks who were disappointed with the 1964 Labour Government for not repealing the 1962 Commonwealth Immigration Act (1996:100). There is merit in such an observation since NCCI's terms of reference were to promote and co-ordinate on a national basis, efforts directed towards the integration of Commonwealth immigrants into the community, rather than to deal with racial inequality. Nevertheless, the disinclination of the Labour Government to repeal the Act should not necessarily be seen simply as not wanting to do so but in all probability was based on the political realities of the time. The prevailing circumstances suggest that such a Bill could never have passed through Parliament given the fact that the party did not have the majority with which to do so. The Conservatives could not have been depended upon for support but neither could a sizeable number of Labour MPs.

This was demonstrated during the Second Reading of the Bill, when the defeat was by only nine votes to send the Bill to the Committee of Whole House.

What seemed at the time as the good intentions of the 1965 Act, its provisions reflected largely the views of the majority who opposed the Act when it was before Parliament as a Bill. Therefore the Act contained an in-built ineffectiveness, particularly as it did not prohibit discrimination in employment – perversely, discrimination in employment was condoned in certain circumstances through established employment practices. In a

recorded case of suspected discrimination in 1967 where a Labour Exchange in Birmingham followed instructions from an employer not to supply the company with non-white job applicants, the Chairman of the NCCI Employment Panel stated that the Panel accepted

“...that it was essential in present circumstances for the Minister of Labour to accept such attitude because only by close co-operation with the enlightened employers are they able to find suitable employment at present for immigrants and their children. In short ... the ministry were right in departing from strict principles of non-discrimination in this instance” (File CK3/73).

The Race Relations Board was neither a judicial body nor an enforcement agency. Although it could attempt to conciliate complaints about discrimination in public places, it had no power to hold hearings, compel the attendance of witnesses or production of documents, take oath or make enforceable orders. If conciliation failed the Board could have reported to the Attorney General, who could then seek an injunction in the County Court, but complainants received no individual remedy.

Thus, the Race Relations Act 1965 showed its ineffectualness just months after enactment, when Philip Mason of the NCCI expressed the view that the Act was too limited (NCCI Minutes, File CK3/73). This view was also reflected in the first annual report of the Race Relations Board. From 17 February 1966 when the Board was constituted until 31 March 1967, 327 complaints were received by the Board, of which 238 fell outside the scope of the Act – the two largest categories were employment and housing. The

Board was left in no doubt, especially by immigrant groups, that though legislation to tackle discrimination in places of public resort was welcome, it was in employment and housing that discrimination was most serious to the day to day existence of the immigrant communities (Home Office file – HO376/150).

There was ineffectiveness in the Act's provision to fine those found guilty of some discriminatory acts. On criminal sanctions, the legislation did not contain the machinery to eliminate discrimination, except in so far as potential offenders would be deterred by the fear of criminal sanction. It was difficult to persuade prosecutors to take action; it was difficult to prove a case beyond reasonable doubt and a case might have come before a jury, which was not sympathetic with the aims of the law. Civil enforcement by individual parties would not have been an effective alternative either, as advocated by some (including parliamentarians). Aggrieved people were unwilling to indulge in the expense or effort of instituting civil actions. A person who discriminated might be prepared to pay damages in civil cases, or a fine in a criminal case, as the price for continuing to discriminate. An immediate public hearing could exacerbate existing racial friction and the opportunity of giving evidence to a civil or criminal court would be enjoyed by those with little other opportunity of obtaining an audience for the demonstration of their racial prejudices or obsession (Jowell, 1965:119).

The defects and deficiencies of the Act were overwhelming and it could not have remained in place if racial inequality was to have been treated as a serious social problem. The pressure to address the shortcomings was immediate and extensive and on 23 April 1968 another Race Relations Bill had its Second Reading in Parliament.

The Second Reading debate on the Race Relations Bill in the House of Commons was not dissimilar from that on the earlier Bill in 1964, in terms of those towing official party lines and those breaking from party policy. There was contradiction from the opposition in their approach. The Conservatives argued overwhelmingly in 1964 that the areas in need of legislation were housing and employment and not the social realm. However, during the 1968 debate they opposed the Bill, even though it sought to address those areas. The Home Affairs spokesman stated in his contribution that racial discrimination should be made illegal:

"... We should forget the colour of their skins and treat them as equals... I say that not for their sake alone, but for ours. We are trying to create a Britain of which all its inmates may be proud. All the evils and sicknesses of a divided society are such as will bring a curse upon us if we do not take this, the only road to safety" (Quinten Hogg, Hansard 71, 23 April 1968).

Yet he sought amendment to the Bill at Committee Stage to exempt small employers and small landlords from the provisions of the proposed legislation.

The prevailing theme from the Opposition was the threat any resulting legislation would pose to the host population. Racism was bad social behaviour and such practices cannot be remedied by law, and voluntary organisations should be the vehicle for addressing racism (William Deeds, Hansard 88-89, 23 April 1968). Another parliamentarian (Ronald Bell, Buckinghamshire South) argued similarly that legislation should not play a part in the amelioration of race relations.

The emphasis some politicians placed on establishing race relations through a combination of agency conciliation and voluntary compliance was never a credible proposition in terms of serving as a bulwark against natural prejudices, born out of fear. The judicial enforcement aspect was, on the face of it, desirable but nonetheless defective, as individuals could not take discrimination cases directly to the County Court. The Race Relations Board lacked necessary powers and thus effectiveness was undermined, a point highlighted in Parliament by Paul Rose (Manchester Blackley) (Hansard 91, 23 April 1968).

The seminal PEP report was published in April 1967 and it could be argued that it was the symbolic catalyst for the 1968 legislation. The report, a survey issued the previous year, documented the well-known fact to immigrants and sensitive observers that British society discriminated against black newcomers and their children. The report may not have been entirely responsible for the 1968 Act, which followed but could be seen as representative of the process

of the changes taking place at the time (Heineman, 1972:vii), particularly in the United States.

The PEP Report undoubtedly had a significant sociological impact on British society. Prior to this the problems of racial disadvantage were deemed to be one of interpersonal problems of faulty over-generalisation, or the individual rationalities or irrationalities of employing ethnic minorities or selling properties to them. But there did not exist the political framework to deal with the problems identified. Although the Race Relations Act 1965 was in place this was by all accounts inadequate (Rex, 1967) so were attendant state created bodies such as the NCCI.

Parliament had taken the lead in beginning to prevent and even dismantle barriers blocking equal access to public facilities, housing and employment, but the legislation was limited by an approach that was primarily based on a complaint system, thus a new strategy became necessary, which was provided in the Race Relations Act 1976. Its significance is not only the tightening up against race discrimination in employment but legislating against indirect discrimination.

David Lane's observation that

"... the lessons of the American experience are that if we want to forestall trouble later we should act firmly now to tackle discrimination, to save young blacks, in particular, from bitterness and alienation, and to give them instead a sense of confidence and security" (Hansard 1614, 1976)

was to some degree heeded.

Having repealed the 1965 and 1968 Acts, the third Race Relations Act was itself constructed with inadequacies, but did fare better in advancing equal opportunities although its provisions were not vigorously interpreted by employers and was thus not enforced in the way that was probably envisaged.

It introduced the concept of "positive action" the equivalent of America's affirmative action policy but it was not until then that the practice was fully implemented in the UK. Up until then, the relationship between the state and its ethnic minority citizens was conducted under a "colour blind" policy.

Positive action differs significantly from the legal American practice of positive discrimination. Under the Race Relations Act 1976, such practice is illegal but positive action allows for action to be taken by an employer in favour of a particular group under narrow circumstances, which can take the form of training, encouragement and assistance. Such actions may be taken with regard to specific types of work where during the previous 12 months members of a minority group have been under-represented. This is defined as meaning no, or very few members of that group in relation to their

representation in the relevant working population. Positive action may take the form of skills or development training or advertisements, which encourage applications from members of under-represented groups and thus limited to encouragement, as all selection decisions for employment and promotion must still be made on merit.

With the Act being the primary point of reference for ethnic minorities, it was difficult to implement fully the broad intention of the Act. It has been contended and in some instances proven that for most of its existence this piece of legislation has been flawed in its long-term object in "... the promotion of equal opportunity accompanied by cultural diversity in an atmosphere of mutual tolerance ..." (Hansard 1567, 1976). It is further argued that this flaw was deliberate on the part of the drafters in order to give a different kind of protection to a number of public services and institutions such as the police and immigration officials. It is this minimalist attitude (Prashar, 1997), which has been the sustenance of many of the problems in terms of interpreting the provisions. These are caused by the fact that indirect discrimination is not deemed unlawful in its policies and practices as defined by the Act.

The Race Relations Act 1976 defines direct racial discrimination as where a person

"treats that other less favourably than he treats, or would treat, other persons not of the same racial group".

Indirect racial discrimination consists of treatment which may be described as equal in a formal sense as between different racial groups but

“which is to the detriment of that other because he cannot comply with it”.

Indirect discrimination is difficult to identify and equally difficult to prove but one study shows that at a time when many organisations were claiming to be equal opportunity employers – there was evidence of indirect discrimination in areas of employment (Schneider-Ross, 2000).

Equal Opportunity as Policy

Following the Scarman Report (1981), it was recognised that the state had to face up to the wider issues of race and responsibility for dealing with the issue fell to this arm of the state because a distinctive feature of the 1960s race consensus was the desire of both major parties to remove race from the platform of national politics (Saggar, 1991). Issues of equal opportunities and positive action thereafter featured dominantly on these and other Local Government social agendas across British cities with a concentration of ethnic populations for at least the next five years.

Despite its deficiencies, the Race Relations Act 1976 was a good foundation on which equal opportunity policies could have been built, particularly with regard to Section 4. But the goodwill of employers and policy-makers was lacking. It was policies that were put in place in some inner city LAs post-

Scarman that were significant in tackling the issue of racism in employment. The Greater London Council (GLC) of the 1980s made a difference, leading the way with the implementation of policies and initiatives to address the position of ethnic minorities who were in its employ as well as addressing the wider issue of unemployment in London generally. Even though many of these initiatives have been linked to the Scarman Report, the Council's equal opportunities policy predated Scarman. The GLC's Ethnic Minority Committee held its first meeting on *19 June 1981* (GLC Annual Report), while Scarman was published in November of the same year.

The Scarman Report concluded that

"The attack on racial disadvantage must be more direct than it has been. It must be coordinated by central government, who with local authorities must ensure that the funds made available are directed to specific areas of racial disadvantage. I have in mind particularly education and employment ..." (paragraph 9.4).

The Home Affairs Committee on Racial Disadvantage supported this view. In the Government's response to Recommendations 37-46 of the Fifth Report from the 1980-81 session, they state that

"The Government is convinced that solutions to many of the problems of community relations, and of disadvantage, will be found primarily through constructive local action and attitudes."

Before the Labour administration took control of the GLC, the Council had adopted very few measures to fulfill its duties under the Race Relations Act 1976. Whilst the Council advertised that it was an equal opportunities

employer, it had not introduced the necessary measures to implement such a policy. Very few of the other steps recommended by the CRE, for example, had been enacted despite the overwhelming body of evidence clearly demonstrating the extent of racism in London (GLC Annual Report - Document Reference 2741A/5yrAch/1-5).

The Labour Group Manifesto for the 1981 GLC elections included specific commitments to fight racial discrimination in London. This explicitly proposed the establishment of an Ethnic Minority Committee, to be chaired by the leader of the Council (Livingstone, 1987:234). Before the Labour administration took control of the Council in 1981, the Council had few measures in place to fulfil its duties under the Race Relations Act 1976 or a social agenda that was racially inclusive. The leadership found itself faced with an entrenched system of exclusion within the Council, based on ethnicity.

After the publication of the Scarman Report (1981), the Council took a number of steps in recognition of the racial discrimination and disadvantage faced by London's ethnic minority communities. As part of this effort the Council set up an Ethnic Minorities Committee, chaired by the leader of the Council, and supported by an Ethnic Minorities Unit. A wide range of steps were taken in line with the Council duties under the Race Relations Act 1976 to eliminate unlawful racial discrimination and promote equality of

opportunity – what Anthias et al call the “representation of the community” (1996:174).

The organisation incorporated a racial dimension explicit into all its policy making and implementation. This required the author of any report to identify the effects and benefits of proposals being made for London’s ethnic minority population. In this way race equality issues were tackled throughout the Council in all its functions, not just by the Ethnic Minority Unit (GLC Annual Reports 1984 and 1985).

As an employer the GLC adopted an equal opportunities policy backed by a positive action programme, this included compulsory training for all interviewing staff and a system of ethnic record-keeping. Education and employment were at the heart of their equal opportunities policy. There was training for disadvantaged groups among their own staff and an innovative “second chance” scheme was also initiated, the former included in-service, day and block release, plus full time courses of study. Compulsory training was provided for all staff involved in carrying out interviews, along with a system of ethnic record-keeping. Through such measures the proportion of ethnic minority employees was increased from 8% in 1983 to 11% in mid-1985 (GLC Annual Report 1985).

The areas of systematic discrimination stood out starkly, for example, in Supplies, one of the biggest departments, no women or black people had ever

been promoted into middle management, even though they made up the bulk of staff recruited at the lower ranks. The fire brigade had over 6,500 staff, of whom only seven were black. The only way that could be explained in a city where 17% of the population is black was by continuous and systematic racial discrimination by those responsible for recruitment (Livingstone, 1987:234-236). Positive action as defined by the Race Relations Act 1976 was therefore the means by which the Council thought change could be instituted to work toward a more balanced workforce, reflective of the composition of London's population.

The Race Relations Act 1976 was invoked as the framework within which they were operating in formulating and carrying out its equality measures, and this contention was never challenged. It was difficult for any credible challenge to be mounted since Section 4(2) states that

“It is unlawful for a person, in the case of a person employed by him at an establishment in Great Britain, to discriminate against that employee –

- (a) in terms of employment which he affords him; or*
- (b) in the way he affords him access to opportunities for promotion, transfer or training, or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them...”.*

Thus, it could be argued that the GLC was interpreting the Act more broadly than had previously been the case by other organs of the state and employers or that such bodies chose not to work within the Act's provisions. Scarman alluded to this in his Report when he suggested that government

commitment to racial equality might not have been properly directed (paragraph 9.1). The GLC's policies to combat racism and promote equality of opportunity was not isolated enthusiasm – this was in line with the proposals in the Department of Environment/Local Authorities Associations advice booklet “Local Authorities and Racial Disadvantage” (1983).

This provided the catalyst for other LAs to follow suit or put into place other positive action initiative of their own, appropriate to the ethnic minorities that fell within their area. In early 1983 the GLC had eight full-time staff to “dismantle racism” in London. The aim was to raise public awareness about racism and its effects and secure positive responses from all sections of society (*Daily Telegraph*, 28.1.83). In the same year the London Borough of Southwark put forward proposals to increase their Race Equality Unit by a further five posts (*West Indian World*, 28 September 1983), while Hammersmith and Fulham Council had a radical shake-up of their personnel department's operation. These were put forward in the form of an Action Plan to promote the Borough as an equal opportunities employer, including keeping records of ethnic minorities in order to measure its progress in race relations matters and equal treatment and access to promotion (*West London Observer*, 16 February 1984).

Opponents and supporters alike have argued that the GLC, by formally adopting such radical equal opportunity programmes and policies, was a

decision taken through ideology commitment (Socialist Organiser as cited by Carvel, 1987:68) as well as political and social necessity.

In the midst of many positive initiatives in Local Government came New Right ideology of the 1980s and the unfettered free market in all its forms. This brought in its wake a number of realities: such policies in general and positive action in particular did not sit easily with the political thinking of day.

The GLC's ideological stance and the social policies that it produced were an unspoken challenge to Central Government. Local politics was a means by which what was seen as an increasingly, neo-liberal, Central Government could be defied (McNaughton, 2002:41). Some of the reasons for the variations between spending by councils were the result of political differences. The best known controversies have tended to be the focus on units concerned with issues of equal opportunities and race (Cochrane, 1993:66). Thus, the Conservative Government saw the GLC programme as a threat to its own national policies and, in particular, its economic objectives and felt it had to act against the Council and by 1984 the government had well-advanced plans to abolish the GLC.

Local Government became an easy target in the fight to adjust government expenditure. One simply had to adjust the annual Local Government settlement. But the government wanted to do more. If "market economics" of the day were to have any chance of success, the socialist corporation which

was embodied in a number of Town Halls would have to be dislodged (Haynes, 1997:17), though the promulgation of socialist beliefs and policies has been a feature of municipal politics since the socialist movement of the 19th century (Robson, 1945:28). The traditional view of conservatism is said to be “rooted in a natural dislike of change” (Eccleshall et al, 1994:62). However, the Conservative Government at the time was practising classic economic liberalism, which is the political ideology closely associated with the rise of industrial capitalism (Leach, 2002:37).

The government’s national doctrinaire laissez-faire, private enterprise, policies – advanced in the name of realism (“there is no alternative”) – could not afford the reproach of successful municipal socialism on its doorstep (Porter, 1994:367) and thus could not allow it to succeed. Although the doctrine of laissez-faire has always been part of British conservatism, the Conservative Party was transformed, and then self-consciously developed into a philosophy of the nation (Barker, 1981:32). This has a distinctive shape and was helped into existence by new racism. Its free-market entrepreneurialism, for example, had a specifically moral dimension: its anti-statism took on a particularly anti-union, racist and homophobic character when it was applied to Central Government-Local Government relations (Smith, 1994:28). For the Thatcherites, Local Government represented one of the few sites of effective leftist resistance (p35) and abolition was seen as one solution.

Chris Adamson of Camden's Committee for Community Relations wrote to the then Environment Secretary, Patrick Jenkins, warning that abolition of the GLC and proposed rate-capping legislation would be disastrous for race relations in London. He wrote that

"while the anti-racist policies pursued by the ILEA and GLC have not had time to show great practical results, they have certainly ... raised the expectations of black people ... Sudden withdrawal of even the little that has been offered will have explosive results..." (Hampstead and Highgate Express, 16 March 1984).

But such argument would not bear heavily on government thinking. Norman Tebbit stated that the GLC was abolished because it was "Labour dominated, high-spending and at odds with the government's view of the world" (Porter, 1994:367). In the wake of abolition, therefore, retreat in race relations policies was inevitable.

Although the motivation, efforts and major achievement of the popular planning strategy of the GLC and other radical Local Authorities (LAs) should not be undervalued, it must be seen that this change was also due to the fact that many of the struggles against structural disadvantage faltered on the ambivalence between equality, community rights and individual rights inherent in them. Having to be categorised as underprivileged and to become slotted into a hierarchy of rival disadvantages in order to compete equally in a climate of materialistic individualism could be interpreted as a contradiction, and this "catch 22" often causes turmoil in the overall objectives of many minority groups (Anthias et al, 1996:169).

Once the GLC disappeared, its functions had to be administered by Central Government and the 32 London boroughs and with no central point to drive change, the issue of race was never one of priority for the boroughs. Fragmentation was not the only disincentive: there was opposing political ideology at work that would come into play by some LAs who wanted the freedom to spend ratepayer's money as they saw fit, in order to meet the needs of local people and all this set against the desire of Central Government to honour economic commitments.

Other important measures in the pursuit of equality in employment come from Europe in the form of both legislation and directives. The earliest piece of European legislation is contained in the Treaty of Rome (1957), where Article 6 makes it unlawful to discriminate against workers in the EEC, stating that *"any discrimination on grounds of nationality shall be prohibited. The Council may adopt rules designed to prohibit such discrimination"*. The present amended Article – Article 13 of the Treaty of Amsterdam states that *"the Council, acting unanimously on a proposal from the Commission ... may take appropriate action to combat discrimination based on sex, racial or ethnic origin..."*.

The desire for LAs to operate aspects of social policies as they saw fit had a restraining influence in the form of the EU. Although central direction might have ceased at national level, there was direction from Europe of which LAs would have to take account. Although the EU, since the Treaty of Rome,

have made declarations on discrimination, practical steps to achieve equality did not come to the fore until the 1980s when proposals were put in place at Community level for Member States to follow. On 11 June 1986 the European Parliament, the Commission and the European Council issued a Joint Declaration against Racism and Xenophobia. This was partly the result of the Evregeis Report, which was published the same year.

The Joint Declaration was significant in that it was only the second time since the signing of the Treaty of Rome in 1957 that a solemn declaration was made, which would enable organisations and individuals in any Member State to urge their government to abide by the spirit of the Joint Declaration and implement measures to combat racism (1991: para 4.2.2.). Chapter 3.13 reported that in the UK institutionalised racism was prevalent and ethnic minorities continued to be discriminated against mainly in job opportunities. It was the responsibility of Member States to take forward at national level those issues identified in the report, by putting in place policies and measures to address them.

The race relations debate continued and in keeping with the historical practice of the UK taking its lead in these matters from the United States, the 1990s saw the debate not so much moving on but changing tack with the introduction of the concept of “Diversity”. While this concept seems logical on the surface, it is worth examination to determine whether or not it is a device to placate the racially disadvantaged and a strategy that is aimed at

preserving existing white privilege than establishing equality for all. Despite the progress that has been made over the past 20 years institutionalised racism has not been sufficiently deconstructed, blacks have been merely allowed to enter the competition. This has established the status quo of blacks in low paid work, black indigence and black unemployment. Where blacks are in respectable jobs, they are usually concentrated in the lower grades, irrespective of organisations and the contents of their respective equal opportunity policies.

New Challenges

Current government action in addressing the plight of those on the margins of society is suspect, particularly in terms of recognising that there is an inherent problem of fairness as far as racial minorities are concerned (*The Guardian*, 3 June 1998).

In his speech to the Labour Party Conference in 1997, Tony Blair, declared that he was against positive discrimination (Labour Party Conference Report). However, he did not define positive discrimination, and went on to say that there was no harm in reminding ourselves just how much negative discrimination there is. Lord Hattersley responded by arguing that he should repeal that part of the 1988 Local Government Act, which prohibits contract compliance (*The Guardian*, 27 September 1997), but this suggestion has not so

far been taken up; nevertheless the government think they have a solution for the overall difficulties of equality opportunity in the labour market.

PART II: CHAPTER 6

METHODOLOGY

This chapter puts forward a methodological approach for the empirical study, which posits the notion that there has been a retreat from positive race relations policies in the sphere of employment in Local Government and the Civil Service in the UK from the late 1980s through the 1990s. This view carries two assumptions: (1) that this owes much to the social doctrine of New Right ideology, which undermined the logic of the active equality measures and initiatives that attempted to address marginalisation of ethnic minorities, which manifested itself in the riots of the early 1980s; and (2) that this diminished the will to fully implement Sections 37, 38 and 71 of the Race Relations Act 1976. The result has been a negative impact on ethnic minorities, particularly those of Afro-Caribbean origin in terms of career progression and, consequently, economic advancement.

There are no simple answers in determining what constitutes a good research or an ideal method of research. Methods, models and paradigms have multiplied and transformed themselves with dizzying speed (Gerring, 2001:xvii). Determination is dependent entirely on the discipline that an investigation or study will examine; for example, agriculture, medicine or social science as well as the area of examination - education, employment, class or gender and rests on an individual's perspective or view of the chosen topic. The conceptual literature on research methods used by other Black

and ethnic minority researchers suggest several possible methodological approaches but those on employment discrimination in relation to the research question set out in Chapter 1 point to that which was adopted.

In this chapter therefore I will first discuss some general theoretical issues, within the context of the chosen methodology. It also looks at the reasons for the chosen approach and why it was appropriate for the research question outlined in Chapter 1. I will further give a summary of research into employment practices with reference to the roles of survey as a research strategy into highlighting the problem of discriminatory practices as well as the conceptual and methodological problems which arise when trying to reconcile a dynamic concept with a methodology that is largely controlled by events and the co-operation of others.

This includes a reflexive account based on notes recorded throughout the period of the fieldwork (Henwood & Pidgeon, 1997; Yin, 2003; Kvale, 1996 and Bryman, 1988) and politics and method (May, 1997; Massey & Meegan, 1982 and Mirza, 1995).

Methodological Approach

Social research is a matter of “horses for courses”, where approaches are selected because they are appropriate for specific aspects of investigation and specific kinds of problems (Denscombe, 1998:3). In order to explore the

process of discrimination in employment, a methodological approach is required which takes account of an employer's recruitment policies. This will include internal employment policies and reporting procedures that will capture the practices and processes which show the treatment of its employees.

The general definition of a research would be an investigation to gather information or establish facts, but several meanings are attached to such a definition. Those include exploration, probe, scrutiny, work over and experiment, to name just a few. But there are different ways of gathering information, as no one approach is feasible in all circumstances. In the case of social science it is the attempt to explain social phenomena within the limits of available evidence (Lewins, 1994:5), with a distinctive realm of inquiry and a distinctive set of norms and practices (Gerring, 2001:xviii). Whatever the definition, a researcher seeks answers to questions by gathering information of the kind that the results or findings can be justified and be presented as theory, fact or a justifiable argument. The benefit of such findings can be useful to a small business, a large company or society as a whole.

From this point of view, and in order to prevent being misinformed and misled, good research should aim to be valid and reliable, for which accuracy and representative nature of the sample plays an important role and depends on research design. Of importance also are the procedures and measures

taken to arrive at a decision or data. To achieve this, certain factors interact to provide substantive findings. Studies in economic, social and political changes in Britain are carried out in a traditional way. Empirical research is based on traditional experiment/experience, which takes into account two of the most common methods available to researchers - Quantitative and Qualitative. This has proved most durable and which to be fair, most accurately reflects the customary division of practice in social science (Allan, 1991:177).

Qualitative research is associated with a number of different approaches to data collection. In sociology in particular, the social survey is one of the main methods of data collection, which embodies the features of quantitative research (Bryman, 1995:11). While participant observation is probably the method of data collection with which qualitative research is most closely associated, it is by no means the only one. Unstructured interviewing in which the researcher provides minimal guidance and allows considerable latitude for interviewees, is also a favoured technique (Ibid, p46). Although participation may involve encounters similar in scope and intensity to the interviewing associated with the survey, it cannot be disassembled into a series of discrete practices, following some pre-set sequence (Ackroyd and Hughes, 1992:127). Unstructured interviewing is not the only characteristic of interviewing which can also be structured, but in either case the qualitative material is bounded by the cultural conventions of the interview (Okley, 1994:18).

As a researcher, you are obliged to recognise your personal biases and must not let personal distortions interfere with and corrode the data-gathering process (Backstrom and Hursh, 1963:5). Conscious personal biases can be overcome but other aspects of a researcher may not be so easily isolated. In sociology it has long been recognised that the race of the interviewer may affect the respondents in survey research (Twine & Warren, 2000:6).

In scientific terms quantitative aims for breadth in gathering facts from information that are collected from a number of people, which can be expressed numerically because it deals with the collection and analysis of data. For instance, pre-coded questionnaires – requiring people to tick boxed questions – pie-charts, tables, percentages etc, all of which provide evidence of facts/findings (Fink & Kosecoff, 1998). In theory, and from the outlook of an interpretivist society, the activities surrounding it are explained through interpretation - in other words, not looking at society but the interpretation of it.

On the other hand, qualitative approach takes on another meaning. Scientifically, it aims for depth in the way of interviewing and observation. Based on naturalism, the theory of a Positivist is the study of people and society through direct experience and observation (Harvey et al, 2000:30). Whilst the two beg to differ, a Realist's theory lays within accepting social reality. In doing so it strives to bridge between both Interpretivism and

Positivism. Similarly, each look for a mechanism that explains the social world we can observe. Such explanations should reflect society as it exists, this includes the social stratification that is apparent in British sociology.

Given life's complexities, studying people's life – gender, race, class and so on, social research is rarely straightforward. It takes on the untidiness or messiness referred to by Devine and Heath (1999), which means that research, through its various stages, does not usually take place without some setbacks, complications, constraints, diversions and change of tack, which presents itself throughout the process, therefore efforts should be made to disclose how a research was conducted and its consequences.

Anyone undertaking research of any kind usually chooses a topic that they are interested in, committed to or comfortable with and therefore they seek the information they want from familiar ground. They would avoid areas or issues they stumble across because of the potential difficulties they would have to face in working with, or approaching others in an unfamiliar setting, or with a similar group with which the researcher is armed with insufficient knowledge, thus minimising unnecessary obstacles.

Such problems may not necessarily include one having difficulty in talking to others, but others may find it hard to participate in a study or have difficulties in doing so for various reasons. If the aim of a research is to interview 10 people, out of which 8 took part, the need to disclose the fact that 2 – for

whatever reasons – did not take part should be noted. If not revealed and is tested against other findings, it may give rise to the questioning of both its reliability and validity.

Bias can take numerous forms in both the commissioner's and the researcher's view which can influence the conduct of a research or whether it takes place or not. An example of this can be found in Kaye Welling's study (1994) of Sexual Behaviour in Britain where, during the panic about AIDS, a survey on sexual attitudes and lifestyles was stopped at a late stage by the government. Drawn from *The Guardian* newspaper, another example highlights this further. A pioneering "drop-in" centre, "Kids Company", that catered for the needs of the inner city London Borough of Southwark's children – particularly those with special needs – was forced to close on the grounds of noise. The complaints came from wealthy people moving into the area (*The Guardian*, 15 November 2000).

In view of the latter, a degree of generalisation is also evident. Such complaints made against children and young people are easily absorbed because more often than not they are associated with noise and unsociable behaviour, which may not always be the case. So it is important to make clear and justify the limits of generalisation. To say an individual or a group is socially excluded because they have no access to the internet is a generalisation taken without care because not being able to gain access to the internet does not automatically mean you are excluded from society. People

might be able to gain access at, say, the local library, but chose not to take advantage of its usage. Moreover, the information available may not be relevant to their needs or requirements; therefore such judgement should be specific and justified, otherwise it could prove to be open to questioning and critical evaluation.

Besides offering accounts of the initial motives for research, valuable research should show how it was conducted, in terms of the methods used because each method practices different approaches and is likely to produce different results, which can be interpreted in more ways than one. Research then becomes more than the simple replication of our opinions and prejudices: it substantiates, refutes, organises or generates our theories and produces evidence, which may challenge not only our own beliefs, but also those of society in general (May, 1997:9).

It has been argued that the two methods of Quantitative and Qualitative should not be applied to each other – natural science not to be applied to social science. This is in contrast to Durkheim's epistemology which is predicated on the unity of valid knowledge, upon the position that there is no fundamental difference between the natural sciences and sociology (Hirst, 1975:3). Because of the theories and approaches attached to Quantitative and Qualitative methods, in combination they can be valuable. For instance, reading an article about a particular group and going out into the community to meet them may provide a different outlook altogether. Methods used

individually and/or in isolation could be deemed unreliable or invalid. Relying solely on statistics can also be misleading, as statistics may reveal a decrease in the use of books, but under observation it may show books to be still in great use, only they are less frequently borrowed. That said, it must not be overlooked that statistics are useful in that they provide a means for monitoring the issue of items, unlike observation, which could prove difficult to measure.

Drawn from this example, and tested together in this way, not only will they be effective in identifying and recognising flaws or similarities, uncover areas or gaps which may appear, but could give way to researching something new or original within the given field and/or the use of new techniques and other methods, which could be applied in the already suited area.

It may be seen that methods employed by other researchers influenced how the research was undertaken, therefore the need to focus on the choice and use of particular methods and techniques is worthy of note because it shapes substantive findings.

Research does not take place in a neutral environment. It is guided by assumptions about the nature of knowledge, and it has political antecedents and consequences (Tesch, 1990:2), none more so than social inquiry in the area of race relations.

There are two methods used in my study: one for eliciting departmental policies and profile of the employees and another for exploring the attitudes of the respondents towards their employers' equal opportunity policies in terms of positive action – that is, enabling career progression and/or personal advancement. For investigating the attitudes, an in-depth, unstructured interview was deemed most appropriate. These methods combined are required to procure a holistic analysis (Bell and Newby, 1977).

The quantitative approach favours general features across many cases (Ragin, 1994:132) and the result of a particular investigation can be generalised beyond the confines of the research location (Bryman, 1992:34). Qualitative accounts of the subjective reality of each person in particular instances aim to flesh-out descriptions provided by the questionnaires.

It is argued here that Quantitative and Qualitative methods are most appropriate for this study and that they should be complemented with data drawn from other sources, to demonstrate the lack (or otherwise) of positive action on the part of employers to address continuing indirect racial discrimination in the promotion and advancement of ethnic minorities, particularly people of Afro-Caribbean origin employed in Local and Central Government.

It has been suggested that it is the researcher's faith in this method which ensures its continual use rather than its demonstrated ability to predict and

explain human behaviour with the information it gathers (Cicourel, 1964:15). Yet Quantitative method is one of the most frequently used methods in social research (May, 1997:81).

However, the decision to use this method is based on the fact that organisations were not (until 2001) legally obliged to collect data on race, despite advocates' convincing arguments (Anwar, 1990; 1991:17; Banton, 1994:66 and CRE, 2001). Some employers monitored ethnic minority staff but there is no guarantee that such information, if they exist, would be full or extensive as would be necessary for the purpose of the study.

In the investigation of racial discrimination in the sphere of employment, official statistics of the employer are important but they are generally a partial reflection of the information on any discrimination that might be or have taken place because in the case of indirect discrimination, for example, the organisation would not consciously see itself as discriminating and therefore any statistical data they hold would not be full or extensive enough to be reliable for that purpose. In such circumstances, it would be necessary to collect information that will give a reasonable picture of the extent to which discrimination have occurred.

The decision to interview the participants by way of informal, unstructured interviews is in line with one school of thought in sociological research with regard to obtaining the necessary information. Moser stated that:

“Survey experts have long recognised that simple poll-type questions are inadequate when complex attitudes are involved ... (1958:207).

Denscombe is of the view that:

“The use of interviews normally means that ... the research would be better served by getting material which provides more of an in-depth insight into the topic...” (1998:110).

Although several employees of an organisation may agree that their employer should invest more in staff training, in all probability their attitude and views will vary to some degree as to how the budget should be shared and on what type of training, for example. Therefore those attitudes will not be sufficiently expressed in replies to formal, rigidly set questions.

The use of unstructured interview was to avoid the rigidity of structured interviews. In view of the sensitivity of the topic under study, it was considered that responses recorded on the questionnaires were unlikely to be frank, despite assurances of confidentiality. Therefore it was necessary to employ a method that would allow interviewees to speak as freely as possible on all aspects of the topic being examined.

The qualitative study was carried out after the quantitative aspect of the survey in order to obtain a frame for selecting particular types of respondent for the interviews (Hakim, 2000:41). However, some questionnaires were returned incomplete but with contact details only, with a notation of their

willingness to be interviewed; however some were not prepared to have their views recorded on tape either.

Consequently, the number of people who volunteered to be interviewed did not result in the spread across the grading structure as would have been ideal, but I was reluctant to reject people who had offered up themselves as potential participants. Therefore, my respondents were not a truly representative group, despite all my efforts to get cooperation from people in different grades.

Surveys of Discrimination in Employment

Examining race relations in employment can be carried out using any of a number of methods but a variety of investigations have used surveys to estimate the level of racial disadvantage and discrimination in employment.

On 18th April 1967 Political and Economic Planning (PEP) presented a report on Racial Discrimination in Britain to the Race Relations Board and the National Committee for Commonwealth Immigrants (NCCI). This report proved to be a seminal document as far as race relations in the UK was concerned.⁴ The political and social response to the contents of the report was immediate as it was far reaching. Within 10 days concerns over

⁴ The year following the publication of the report, the author, W W Daniel, published a book based on the report year and it continues to have the same authority as the original publication.

the findings were raised in Parliament (Hansard Vol 745, 1793, 27 April 1967).

The information contained in the report was gathered using the survey method, with a combination of questionnaires, interviews and situation tests, with the greater significance coming from the qualitative element of the study. One element consisted of interviews with 976 immigrants from the West Indies, India, Pakistan and Cyprus in six areas of England, representing the main regions of the country. Another involved the interviewing of 500 people in a position to discriminate, that is, employers covering all fields that were part of the study. The findings from the third survey of situation tests provided precision to the general level of discrimination discovered by the other two surveys.

The report concluded that there was substantial discrimination in Britain against non-white immigrants in employment, in housing and in the provision of certain services such as, motor insurance and car hire (PEP, 1967:8). The findings of the report have been cited by social scientists, race relations practitioners, politicians and projects of a similar nature that have been undertaken since then in the sphere of race relations (Rex, 1970:109; Heineman, 1972:1; Hansard Vol 676, 78, 23 April 1968). Fairly similar methods were used in the other three of the series of four National Surveys undertaken by PEP's successor organisation (PSI) in 1974, 1982 and 1994, respectively.

The results of more recent studies have shown that, although not explicitly violating the Race Relations Act 1976, some practices and policies have been found not to be entirely within the spirit of the Act. Others have chosen the Qualitative method, while some use a combination of both, sometimes supplemented by other data.

The report “The Cement Roof, Afro-Caribbean People in Management” used published and unpublished research work, interviews with employers and the sampling of Afro-Caribbean people in management (1996). The Cabinet Office study of ethnic minority women in the Civil Service was essentially a qualitative study using interviews and focus groups, with structured interviews, but these were supported by questionnaires. However, the statistical data were used only to support the main findings (Cabinet Office, 1996). This is in contrast to the study of black managers in the public services. “Not Just Black and White” investigated the barriers to the development of black managers in the public sector. It was a wholly statistical survey obtained through the use of questionnaires, securing a broad range of views in a short period of time (Office for Public Management, 1996).

“Equal Opportunities and Private Sector Employment in Scotland” was commissioned by the CRE Scotland to determine the state of equal opportunities policy and practice in the private sector labour market in Scotland. A qualitative project, it found that a quarter of employers with no

equality programme in place, viewed formal equality policies to be “divisive”, despite a significant percentage of respondents (just under half) living in the Greater Glasgow area (CRE, 1999).

The enquiry carried out into the barriers to ethnic minority recruitment and progression within the Crown Prosecution Service (CPS) was undertaken as a qualitative exercise, through face-to-face interviews and indirectly through the staff advisory group. The possibility of a combined Qualitative and Quantitative method was contemplated but collecting evidence through a staff survey or questionnaire was discounted at the preparatory stage.

‘Experience suggests that return rates for questionnaires in sensitive areas such as race equality are particularly likely to be low. More importantly, this method would not so easily have enabled individuals to give in-depth evidence to the Inquiry, nor would it have provided as good an opportunity to probe and challenge the evidence presented’ (Denman, 2001:9).

Although no questionnaire survey was undertaken, there was statistical information available to the CPS, which formed part of the inquiry, unlike the CRE Scotland project. These included ethnic origin monitoring statistics as well as those on recruitment, progression, retention, training and development.

The CPS was found to be institutionally racist within the MacPherson Concept (Cm4262-I, 1999). Ethnic minority staff were well represented in the organisation as a whole but lawyers and those in the administrative grades were concentrated in the lower echelons of the service, with managers failing

to promote them (Denman, 2001). A CRE inquiry into the Croydon branch of the CPS, which reported at the same time as Denman, essentially corroborating Denman, finding that prosecutors were working in racially segregated teams, contrary to Section 1(2) of the Race Relations Act 1976 (CRE, 2001). The methods applied in the CRE investigation were similar to those used by Denman, except that telephone interviews were carried out, which involved the participation of existing and former staff that had been based in the Croydon branch.

There are two conflicting imperatives at work in a study such as this. The first is to take account of all possible factors which previous research suggested would influence the dependent variable; the second is to select only variables most likely to play a determining role in order to keep the study within the bounds of practicability dictated by limited time and resources.

Research Design

The selection of participating bodies was primarily based on location and the ethnic mix of their workforce. As this study was being conducted on a part-time basis, economic, geographical and time constraints had to be taken into consideration, therefore ease of travel was necessary to enable accessibility and lends itself to cluster sampling (Sapsford, 1999:84).

The conceptual stage of the study envisaged the inclusion of focus groups as part of the methodology. The aim was to collect opinions from a large group in an efficient manner, allowing ideas to develop, latent views to emerge that might in individual interviews remain dormant (Harvey et al, 2000:19), or allow the group as a whole to develop a perspective on the subject (Hakim, 2000:35).

The situation with the local authorities differs significantly. My approach to local authorities to gain access to their staff and staff monitoring data for the purposes of the study coincided with the publication of the MacPherson Report from the Stephen Lawrence Enquiry. In the immediate aftermath of this event, the goodwill of employers that was shown earlier disappeared and promises that were made were reneged upon, with the exception of one local authority. They were not forthright in their reasons for the decision not to co-operate, but from telephone conversations and correspondence I had with them the consistent theme among local government employers was that they were “... *in the process of studying the Report* ...” or a review or reorganisation of policy was underway.

There could be any number of reasons for their reluctance to co-operate at that stage but a reasonable assumption would be that because there were proposals to amend the Race Relations Act 1976, they wanted to await the details of those proposals or they were not confident enough in their equal opportunity policies as they stood to allow scrutiny in their current form.

Whatever the reason(s), one could argue that the collective apprehension of these employers was justified, in view of what emerged in the Race Relations (Amendment) Act 2000.

The MacPherson Report offers a definition of “institutional racism” as consisting of:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen in or detected in processes, attitudes and behaviour which amount to discrimination unwitting prejudice, ignorance, thoughtlessness and racial stereotyping which disadvantage minority ethnic people”. (MacPherson Report, Cm4262-I, Ch6.34, 1999).

And the new Act can be seen as designed to squeeze institutional racism out of the system and it provides that a general duty be placed on public authorities not just to eliminate racial discrimination but to promote race equality.

Failure to secure the co-operation of some employers led to the reformulation of the qualitative element of the methodology. As it would be impossible under those circumstances to set up focus groups in all participating organisations, it was decided to exclude that half of the qualitative element and focus on the more suitable option of unstructured interviews only, which provides a similar degree of freedom which could bring out tangential matters that bear on the main subject (Hakim, 2000:35). Nevertheless, two focus groups were set up in a third central government

department to discuss specifically the operation of diversity as an equal opportunity tool.

Identification and Selection of Participants

With reference to the 1991 census and other DoE data, I looked at the concentration of Afro-Caribbean communities in the UK as a whole. These were worked down to certain inner city areas and then boroughs within London. By all accounts most businesses would draw a significant proportion of their workforce from its immediate environment. It is thus expected that a workforce would, to some degree, be a reflection of the community that it serves. It is therefore reasonable to assume that if an employer were an equal opportunity employer, the workplace would be a manifestation of the relevant employment pool. This is not to say that people should be employed without regard for merit. However, the law of average suggests that, even if there is not proportionality in terms of population and workforce, the ratio should suggest that recruitment takes place in such a way that the service providers reflect the community from which they come.

The assumption therefore was that a significant number – if not a majority – of the workforce was drawn from the local community.

The selection criteria for policymakers within central and local government and elsewhere, as well as human resource (HR) practitioners were based on

different considerations. In order to obtain a wider view they were identified and chosen on the basis of their strategic orientation in devising, implementing and operating equality policies in the sphere of employment.

Obtaining the Sample

At the outset I approached a total of 15 organisations: 9 local authorities, 3 Civil Service Departments and 3 private sector companies. In the end sampling was undertaken in 3 local authorities, 2 Civil Service Departments (one includes 2 executive offices of the same department) and one in the private sector.

I met the respondents through a variety of means. The process began in July 1998 when I contacted the Cabinet Office (CO), first by telephone and then in writing, to enquire about gaining access to archived Civil Service policy documents. I was advised that these were best obtained from individual civil service department, since the CO's role in this respect was to issue civil service-wide guidance and it was up to each department to implement policies as they saw fit, based on those guidelines. Nevertheless, the CO provided me with civil service-wide data, showing staff by departments, the number employed by each, as well as staff by gender and ethnicity (Cabinet Office, 1998). Based on this data, from August 1998 I started to make contact with those central government departments employing the highest percentage of ethnic minority staff. This I did through personal

acquaintances, primarily to obtain equality policy documents but I also used the same channels to contact HR personnel and seek advice on the possibility of their department taking part in my field work. Whilst awaiting formal responses, one of my acquaintances in one department offered to make my research interest known among colleagues in anticipation of permission being granted. This generated sufficient interest that allowed me to by-pass official sanction when the outcome turned out to be less than positive. However, this meant that only staff members within the Head Office complex were sampled but was consistent with the geographically clustered procedure envisaged.

The process involved for the other Civil Service Department was similar, except that my initial contact was an active trade union member but her approach to central HR on my behalf was in her role as a business manager. The response to that request was also unfavourable and she put me in touch with two of her colleagues with similar departmental roles in two of their Executive Offices – one in South East London and the other in South West London. The choice of these locations was based on the fact that they were among the more ethnically mixed sites in London.

The process for the LAs differed slightly, as I was not fully aware of their organisational structures and had no inside personal contact or acquaintance, unlike the case with the Civil Service. The initial contact with them was by telephone between July and October 1998. Invariably, the advice was to

write in, giving a brief outline of my research proposal. Telephone conversations were therefore followed by written correspondence and, depending on the advice received, addressed to HR officials, individuals with responsibility for staff training, equality issues or the head of equality, where those existed. This basically repeated what had been discussed in the initial telephone conversation but avoided being too detailed about the project. This was deliberate so as not to invite additional questioning and discussion and be drawn into too much detail. A note would be attached for distribution to the employees inviting them to take part in the project.

I wanted those taking part to do so voluntarily, and one way to do this, I felt, was for individual to come to me, rather than having them being chosen by the employer. That way they would feel able to freely express their thoughts and talk about their experiences. To this end, I supplied the organisation (via their designated representative) with a note explaining what the project aimed to achieve to pass on to staff who would, in turn, return a detachable slip to me from which I could make contact with them independently (Appendix A). I would then send the respondents a questionnaire (Appendix B), with a stamped, self-addressed envelope to be returned to the University of Warwick. I discovered that returning the questionnaires to the university served as further assurance to some participants of the academic purpose of the study.

Once I contacted individuals I would go into detail about the project, invite them to ask me any question they wished, offered reassurance about confidentiality and despatched a questionnaire with stamped-addressed-envelope.

Of all the organisations approached, only one saw the proposed project as worthwhile from an organisational perspective, without too much resistance or persuasion. This was probably due to the fact that they intended to carry out similar internal research by their Training Unit. Nevertheless, they sought certain assurances, particularly the academic nature of the study and their co-operation was secured after close scrutiny and questioning of the proposals I submitted.

A total of 400 questionnaires were issued. Of these 200 were issued to LAs, 100 to the Civil Service and 100 to the private sector employees. A total of 153 were returned, representing 38.25%, and after allowing for incomplete questionnaires only 80 (20%) could be analysed. This does not include those received from the private sector. I decided to exclude them from the analyses, as none of the staff volunteered to be interviewed and I considered that in the absence of any opportunity to interrogate the quantitative data, a reasonable comparison could not be made with the public bodies. Thirty people were interviewed face-to-face, only five of whom were included in the quantitative exercise, and none of the interviewees was personal acquaintances.

In addition, I have had valuable off-the-record conversations with a large number of people, who did not wish to be officially part of the study, but who nevertheless contributed to the overall picture. Many were senior local government HR practitioners and senior civil servants (SCSs), including two Permanent Secretaries.

The questionnaires were standardised so that every respondent was asked the same question in the same order and manner so as to produce consistency (Sapsford, 1999:107; May, 1997:84). They were pre-coded to allow the classification of responses into analysable and meaningful categories (May, 1997:95); the independent variables took account of the factors that would influence the dependent variables. Distribution of the questionnaires began in October 1998 and was completed in April 2001; they were later analysed using an efficient data analysis software package (Foster, 2002), SPSS for Windows. Most of the participants responded positively to the invitation to offer commentary on the final page of the questionnaire and valuable qualitative data were derived from this, which complemented those provided in the interviews.

The face-to-face interviews commenced in February 2000 and continued up to October 2004, the majority of which were undertaken in 2000 and 2001 (research activities were significantly restricted in 2002-2003 due to ill-health and work commitments). All the interviews were conducted face to face and

carried out in a variety of locations – most took place in libraries but several took place on the business premises of the participants, usually during out of office hours, as well as in restaurants/cafes, and one took place in the participant's home. The length of the interviews was similarly varied, spanning between 1 hour and 3½ hours and were arranged and convened at a time and place suitable to each participant.

The interview schedule was structured so that every participant was asked a set of identical questions in the same order; a set of statements were put to them with which they could agree or disagree and was used as a focus for discussion. Within this format the interviewee was encouraged to elaborate on any point they wished, to think aloud about the questions and to articulate their views at their own pace, in their own way. My role was to listen as much as possible and to seek clarification on unclear responses and attitude when that was deemed necessary. This accounted for the length of some of the interviews but all had the opportunity to express themselves and get their point across.

At the request of some participants, most of the interviews were not tape recorded, although absolute guarantee of confidentiality was reiterated to the participants at the start of each interview. Only 13 interviews were recorded (there would have been 14 had the tape recorder not broken on my way to meet a participant on one occasion); one of the longer tape recorded interviews was incomplete as the interview lasted longer than the 3-hour

recording capacity of the single tape in my possession. Drawbacks and positive points arose from those interviews that were not tape recorded: I found that the volume of the information that was being given was difficult to capture in manuscript form in some cases, whilst attempting to concentrate on the details of the discussion. In addition, important nuances that would have better informed data analysis later were lost. Despite the limitations, I was able to make notes on key points and themes.

On the other hand, without the presence of a tape recorder, respondents – particularly ethnic minority females – appeared uninhibited during these interviews and freely discussed sensitive issues on race and discrimination within their respective organisation. As a researcher of Black Caribbean descent, my race and ethnicity clearly had a bearing in this respect and is in line with Finch's (1993) view that women can relate to each other on a level that is inaccessible to men, because of shared experience, which in most instances enhanced the quality and comprehensiveness of the information provided.

When all the data had been gathered a consistent theme emerged; this appeared to support one assumption of this study that there was a shift from racial equality policies to that of Diversity. I decided on a separate exercise to complement and enhance my research strategy and set up two focus groups. These consisted of male and female staff of three business streams from one

government department that was reportedly at the forefront of this concept and this exercise was concerned with the operation of diversity only.

The “Diversity Champion” that I had known for some time, provided me with a list of divisional diversity portfolio holders and I invited participants by way of group e-mail (by directorate). I selected 3 business streams on the basis of manageability – time constraints and geography as they were all located on the same site - and all staff members who responded to my invitation took part. A total of 22 staff members took part - one group from a single business stream comprised 2 men and 8 women while the other group from 2 business streams had 5 men and 7 women. All were from ethnic minority backgrounds, the majority being Afro-Caribbean – all have heard of diversity and have been on compulsory diversity training but only 30% could list more than one diversity initiative and 5% said they have benefited.

For the three local authorities that took part, the number was not ideal and was reached on the basis that they were the only ones for which official sanction and some assistance were given. However, they met the criteria for selection in all other respects, in that they were ethnically mixed with a proportionate number of Afro-Caribbean employees and were located in the inner city.

There was a very good mix in respect of the participants, in that people from all of the grades in the various organisations took part. This meant that there was a wide range in the sampling of views, though in some instances limited in number. However, this limitation relates only to those holding senior positions and is based on the fact that very few ethnic minority employees who took part in the survey were in senior positions. As a consequence the number of senior ethnic minority employees who participated was in broad terms proportional to their overall representation.

Nevertheless, of those who were interviewed, a significant proportion had management experience or management responsibilities, although they did not occupy very senior positions in the workplace.

A total of 107 employees participated and 61 of those who took part were LA employees, which included 13 interviewees; 17 interviewees were civil servants. However, these excluded approximately 15 individuals in total from both central and local government with whom discussions were held but who asked not to be included as participants.

The major problem that this study encountered was the official non-co-operation of employers, which bore heavily on the entire project and it was therefore necessary to find a way around those obstacles.

Negotiating the Obstacles

Unlike many social researchers, the process of conceptualising the “problem” to be studied involved less assumption in this instance since, in a sense, the problem was being experienced.

One dilemma that had to be considered was whether or not my closeness to the problem could allow an objective examination of it. This is legitimate speculation but one that is arguable nonetheless, and the obvious solution was to discount my department as a candidate for the study - Backstrom and Hursh (1963) highlight the possibility of personal biases in the research process. However, that proved to be unnecessary, as reviewing research studies and reports served as a mechanism of detachment and thus dispassionate assessment. But what was the situation in other organisations? Those were the findings to be made; for example, the accuracy of the picture painted by sections of the media of some LAs and their over-staffed race relations units in the name of equal opportunity, (Gordon, 1990:175-189).

At the beginning of the research, some of the policy documents that were reviewed made interesting reading, primarily because they contained no discernible policies. This gave rise to certain questions: how can the quality, type and effectiveness of policies be examined when there is no policy? Clearly the central concern of the study is with the practices and policies of public sector employers, therefore the policies of the departments that are

being studied should be of most significance. However, I considered that in order to understand the current state of race relations in the sphere of employment, it would be necessary to place it in historical context from the policy direction of central government in the first instance. In order to understand the government's policies in particular, it was necessary to examine the history and context within which such policies were developed, as set out in Part I.

Stone's (1996) observation on the difficulties some researchers encounter when undertaking similar studies in accessing participants holds true in my study. The actual method of selection and criteria applied in this research departed from that envisaged conceptually. This departure was due to a number of circumstances, foremost among them was the unwillingness and, in most instances, refusal of some organisations to contemplate co-operation and the staunchest opposition came from LAs.

In the majority of cases the refusal was instant at the mention of the word "race", therefore most did not wait to hear the details of what would be involved and any opportunity to persuade was denied. In a few extreme cases I was to later learn that memos were sent round to managers alerting them of my approach to the organisation and warning them that they might be contacted and instructed them not to co-operate, hence the reformulation mentioned earlier in this chapter.

As a consequence of the obstruction and difficulties that arose, the process varied with each organisation. The method had to be necessarily modified as it was not possible to sample all organisations in the same way. The survey involved employees with, say, 0-15 years' service. This period could have been spent in more than one local authority or government department and not necessarily with a single employer. All cases involved people from various grades in participating organisations and they took account of the distinction between different ethnic minority groups and gender.

As a civil servant, I am also a member of a public sector union, the PCS, and I serve on the Branch Executive Committee (BEC) in my department as the equal opportunity representative and I used my membership of the trade union to get around the main problems posed by the non-co-operation of some organisations to gain access. This involved networking with union-active colleagues in other government departments, who put me in touch with fellow trade unionists in local government. Access to staff in two of the participating local authorities (B and C) was gained through contacts that originated with trade union colleagues.

In the case of Local Authority C, a PCS contact introduced me to one of the Council's training managers, with responsibility for securing external staff training. Having been made aware that my approach through the head of HR was unsuccessful, she suggested several alternative routes to accessing staff and offered to facilitate this, one of which was through the Council's Ethnic

Minority Forum. This group had a rotating membership that consisted of staff from every business area of the Council, where ethnic minority staff met once every 6-8 weeks to discuss various issues that affected them as a group and individuals would report on, say, personal experiences of how equality policies/initiatives were being implemented (or not) in their respective directorates. I assessed this forum to be the most suitable option of those proposed, on the basis that it allowed me to have access to a wide cross-section of employees, in terms of grades, skills and business diversity, although they would be predominantly from ethnic minority backgrounds and to some degree excluded the views of White employees. I further assessed, based on the data I already held from Local Authority A, that White volunteers would be low in numbers, since I had full co-operation from that Council, who had invited all their staff to take part in my study, yet White participation was low.

My now internal contact briefed the Chair of the Forum on our discussion and arranged a meeting with her on my behalf. At the meeting with the Chair, I explained the nature of my study to her and we agreed on the best approach to generate the widest possible participation. The issue was discussed as an agenda item at one meeting and they took a vote that went in favour. I provided the Chair with the consent sheet via e-mail and she circulated it to each Forum member for distribution within their directorate. I was later invited to attend their meetings, for observational purposes, an invitation that I accepted, gaining valuable insight into the operation of equal

opportunity policies within that Borough. It was at one of these meetings that I addressed the Forum and distributed questionnaires to those present that had consented to take part. The other questionnaires were sent by post to the other volunteers. All questionnaires were returned to me by post by each participant. All business areas took part, except ancillary services.

For Local Authority B the process of gaining access was similar to that used in Local Authority C but different. Following prolonged correspondence with various individuals in the Council the matter was eventually escalated to the head of HR, who told me that due to restructuring, their Equality Unit had been disbanded and equality policy was being rewritten and I should come back in 6-12 months time. I mentioned this to a fellow PhD student while attending a trade union event and he gave me the name of an official in that Council (Head of Community Affairs), to whom I wrote with the relevant information and documents. After further explanation and clarification with which he was satisfied, he e-mailed my covering letter and consent sheet to all his managers and asked them to circulate to their staff at their team meetings. Those staff who volunteered came from four business areas and they made direct contact with me and I sent them the questionnaires by post and on two occasions I delivered some by hand to a different section manager on each occasion; all were returned by post.

As indicated elsewhere in this chapter, access to potential participants in Local Authority A was achieved as set out conceptually, with full co-

operation from the employer. My initial telephone contact with the Council resulted in detailed conversations with the Head of Equalities Unit and the Head of the Training Unit and within a fortnight I had a face to face meeting with the latter, where I provided him with assurances and guarantees he sought earlier. I also gave him a copy of the consent sheet and he requested that I send it to him by e-mail also. He circulated it electronically to Council employees, attaching a personal note encouraging staff to take part. Forty-nine consent sheets were returned to me by individuals and in each instance I rang the volunteer in advance of despatching the questionnaire; they indicated on the questionnaire whether or not they wished to be interviewed. All the participants from Local Authority A were accessed in this way.

I left the door open to all interviewees (and myself) for further communication and invited them to get in touch with me if there was anything they wished to clarify afterward and similarly I asked each individual if they would object to my seeking clarification on any point or issue that I might find unclear later on. There was no objection from either side, and one participant called to ask if I could let him know what the conclusions of the study were in due course. I agreed to do this. In 2005 I contacted several participants who had stated their intention to leave the public sector to find out how many had done so; all were still in the public sector with the exception of two.

It could however be argued that the methods employed in order to gain access to some of the participants might have resulted in staff of similar inclination or type being put forward and thus producing a skewed outcome. The survey was a geographically clustered exercise, chosen principally for the reasons stated earlier in this chapter. Those reasons were reinforced by the demography of the UK's ethnic minority population, as set out in Chapter 1. The nature of my study, as outlined in Chapter 1, was concerned with Afro Caribbean employees in the public sector. Most inner city areas of the UK have a concentration of ethnic minorities; however, in terms of the Civil Service, the geographical area customarily referred to "Whitehall" is where most Afro Caribbeans are employed. Although this method could be perceived as producing "over-sampling", it is consistent with those studies whose aim is to address issues affecting a particular group and will necessarily have to capture information on or from as many members of that group as possible (Sapsford, 1999:31; Marshall, 1997:58; Oppenheim, 1997:40).

There were elements of "snowballing" involved (Arksey and Knight, 1999:4) but these departed significantly from the "snowballing" format described by Burgess (1990:55); the efficacy of the study was not wholly dependent on that kind of assistance and was therefore unlikely to produce that type of unrepresentativeness. For example, once I gained an "entry point" via my trade union colleagues in the instances outlined above, some degree of semi-official involvement emerged, which then followed processes that needed no further individual assistance. In Local Authority C all staff had the

opportunity to volunteer, despite the route taken since all business areas were represented on the Ethnic Minority Forum, with the exception of “elites”. Nevertheless, the Chief Executive offered me an off-the-record meeting which (unfortunately) did not materialise as she left the post before it could be arranged.

The participants that I encountered through personal contacts had no close connection to other participants as far as I am aware; therefore my study avoided the omission of opinions of others who were not part of a network of friends and acquaintances (May, 1997:120).

The extent to which it is possible to generalise from a single study such as this is self-evident, based on the methodology outlined above. This research relates to a specific group within a particular area and does not claim to be a reflection of wider populations outside of my geographical area of concern or those public sector functions within it. Like any study, there are a series of atypicalities that make the present study distinctive and idiosyncratic (Yin, 1994). No doubt, employment policies and practices will occur differently in other locations, depending on the social reality of those localities, yet it is likely that what was found in London may be found in other locations, though it is only through further research that this will be proven. On that basis, the methodology that was applied fulfils a broad purpose beyond the specific nature of this project, in that pointers are offered against which positive action initiatives can be assessed and effective action may lie, where

issues of concern are identified, and may be of value to policy makers in effectively implementing Sections 37 and 38 of the Race Relations Act 1976 and is therefore a valid one.

The approach I have adopted in this study was not without setbacks, and they were substantial, but the nature of these was in common with those encountered by similar projects, though more numerous in my study. Given that the issues involved are generally sensitive, getting “neutral” civil servants, for example, to frankly discuss the issue of racism that could possibly exist among them, for eventual public dissemination was always going to be a challenge.

The following three chapters present, analyse and discuss the results.

CHAPTER 7

IMPLEMENTATION OF EQUAL OPPORTUNITY POLICIES: CIVIL SERVICE

The purpose of my study is to look at the career progression of ethnic minority employees in the public sector – Central and Local Government – and the extent to which the legislative process informs this, with the emphasis on Afro Caribbean employees. The first part of this thesis provided historical background of the black experience in the UK, theoretical issues and, contemporary race relations policies of France and the United States, as Western countries with significant ethnic minority populations. The effectiveness of equality legislation in determining the nature of these relations was also discussed. Having given an overview of the study in Chapter 1, the historical context in Chapters 2 and 3, supporting theoretical arguments in Chapter 4, the legislative provisions in Chapter 5 and the methodology in Chapter 6, this and the following two chapters outline the findings and analyse the empirical data.

The result of the survey will be reported in relation to the view of the entire sample but will draw attention to any variation in sub-group opinion and among the sexes. Given the subject matter of the study, it is necessary to examine the results from the viewpoint of some of the other sub-groups but less substantially than the main group.

The main theoretical view argues that racial equal opportunity policies in the sphere of employment within the public sector are in retreat, by way of indirect discrimination through non-implementation of Sections 37 and 38 of the Race Relations Act 1976 and this has been borne out by some recent events.

Affirmative action or positive action is often described as positive discrimination, but positive discrimination is illegal under British law, as opposed to positive action which is provided for under the Race Relations Act 1976. The latter allows employers to devise and encourage policies, particularly through training, that will place ethnic minorities in the position to perform and compete on an equal footing with the majority of the workforce.

Since the MacPherson Report in 1999 and the introduction of the Race Relations (Amendment) Act 2000, many organisations such as the National Health Service, the Police, the Civil Service, the Trade Union Congress and some private sector employers have attempted to address the theoretical view advanced in this paper. However, some strategies for addressing the absence of ethnic minorities in senior positions in the workplace have not produced the desired results, as discussed in Chapter 4.

The Civil Service

The role of the government as an employer is of great importance and it has been suggested that its record does not always reach the exemplary standards to which it should aspire (Rose, et al, 1969:306). The relationship between the Civil Service and its ethnic minority employees, as demonstrated by policy documents, is meant to be conducted within the boundaries of the Race Relations Act 1976. The degree to which compliance with the Act has been conducted within its spirit or to the letter is open to question.

External examinations of Civil Service practices do not occur on a regular basis, it is therefore considered useful for reference to be made for comparative purposes to previous studies, similar to the one under consideration and in particular one that was carried out in 1999, which examined the internal culture of the Civil Service. That report is particularly significant in that, up until 1998, the Cabinet Office did not keep tracking records for ethnic minorities. Furthermore, that study coincided with the official introduction of the diversity concept into the Civil Service. The catalyst for the 1999 study arose from a recommendation put forward by a body that was set up in 1998 to examine equality issues in the Civil Service (MaST Consultancy Services, 1998).

For consistency, the LAs' findings will be compared to a 1998 study carried out in one LA, the London Borough of Hackney.

According to the Civil Service Code (2006), civil servants should endeavour to be impartial, fair, just and equitable, the natural corollary is that the Civil Service as an institution should be equally unbiased towards its own employees.

The experience of racism in one sector of society has an impact on perceptions about the administration of justice as a whole. For most people, the administration of justice is about going to court, lawyers and judges. Whether it is a criminal or a civil court or a tribunal, this will not matter from the point of view of racism or expectations of unfair treatment. From the viewpoint of experiencing racism, it does not matter if you are the defendant, plaintiff, witness, victim, respondent, juror, lawyer or judicial office holder (Equal Treatment Bench Book, 2004).

It is on account of the treatment of lawyers and office holders that one Civil Service Department, the CPS, was investigated after being accused of racism in relation to their employment practices. Other concerns raised during the investigation concerned prosecution decisions and the department's treatment of victims and witnesses, which were said to be racially discriminatory.

The resultant Denman Report into the race relations activities of the CPS found that policies on selection, temporary promotion and deputising were

flouted from time to time. At the time of the investigation the CPS had 6,200 staff, 2,000 of whom were lawyers, where just over 500 were from ethnic minorities and complemented as follows:

Table 7.1: CPS Ethnic Minority Staff Complement by Grades

Grade	April 1999 (%)	April 2000 (%)
CCP/SCS	1.6	6.6
Grade 6/Level E	0.9	0.9
Grade 7/Level D	2.6	1.8
Level C2*	8.1	7.9
Level C1*	9.9	10.2
SEO/Level B3	0.0	0.0
HEO/Level B2	3.0	5.2
EO/Level B1	7.5	8.3
Admin/Secretarial/Levels A1&A2	22.6	23.6

Source: Denman Report, 2001

* Lawyer grades with no equivalent in the rest of the Civil Service

The CPS national workforce comprised 11.6% of staff from ethnic minority groups, which were higher than the percentage in the population as a whole. In London the figure was 30% and compared favourable with other government departments (CPS Press Release, 14.5.02).

Table 7.2: CPS: All Staff in post: Ethnic Background by Grade at 1.4.03

Grade	White**	Ethnic Minorities**	Staff Total	Returns*
SCS/CCP	59 (94.0%)	4 (6%)	66	63
Grade 6/Level E	96 (91.4%)	9 (8.6%)	121	105
Grade 7/Level D	243 (93.8%)	16 (6.2%)	310	259
C2***	1145 (90.7%)	118 (9.3%)	1780	1263
C1***	146 (68.2%)	68 (31.8%)	304	214
B***	13 (61.9%)	8 (38.1%)	34	21
SEO/Level B3	85 (94.4%)	5 (5.6%)	97	90
HEO/Level B2	395 (89.8%)	45 (10.2%)	530	440
EO/Level B1	1029 (84.1%)	170 (14.2%)	1553	1199
Admin/Secretarial /Levels A1&A2	1803 (87.0%)	289 (13.0%)	2641	2092
Total	5014 (87.3%)	732 (12.7%)	7436	5746

* Those who have provided their ethnic background details.

** As a percentage of those who made a return.

Note: The table is based on Cabinet Office Mandate specification and does not include casual staff, or staff on loan to other government departments

*** Lawyer grades with no equivalent in the rest of the Civil Service

The data in Table 7.2 show that, since 2001 when Denman reported, the number of ethnic minorities employed by the CPS has grown, increasing the percentage from 11.6% at that time, to 12.7% on 1 April 2003.

Since the publication of the Denman Report and the CRE's Report into employment practices at the CPS branch in Croydon, which investigated allegations that staff working within that branch were segregated along racial lines, the service has made huge strides. Denman put forward 10 recommendations, including that the Personnel Directorate should retain central control in implementing equal opportunity employment policies; recruitment and progression should be based more on objective techniques – for example, written and/or oral tests; and that positive action is required to redress the under-representation of ethnic minority staff in the management grades. All of these recommendations have been implemented or are in the process of being implemented.

Although there has been progress in implementation of those recommendations, it does not necessarily hold that progressing equality of opportunity within the CPS is assured, in view of the fact that the Service is starting from a very low base. It is natural that the degree of discrimination that had been exposed as thriving within that organisation is such that it should warrant radical, yet speedy, amelioration. Nevertheless, in addressing an issue such as racial equality, which was, by all accounts, alien to the CPS culture for most of its existence, a gradualist approach is required in

implementing new processes and policies. However, the absence of the scope to do so could mean that the process of embedding equal opportunity policies could prove challenging.

Denman found what she termed a “backlash” and a high degree of hostility and resistance to her investigation from white employees as well as that conducted by the CRE that had preceded her wider Inquiry. One lawyer is quoted as saying that ethnic minority staff were “playing the race card” and that the production of Equality Videos was “extraordinarily divisive”. In what appeared to be coordinated action, some staff members went as far as to return these materials to HR unopened, with notes saying “not requested” or “not required”. Many of those expressing such views were line managers, no doubt, some of whom may have managed ethnic minority staff.

Recommendation 7 of the Report, which will rely heavily on managerial support at all levels, states:

“Training: The new Training Unit should, in its current review of strategy, ensure that equality and diversity training forms an integral part of all management and staff development training. All managers should understand that their effectiveness as managers and progression within the Service depends on their completing this element of their training successfully and demonstrably applying it in their work. The Training Unit should move towards the provision of equality and diversity training internally, thus reducing the need to resort to external commercial support. It should seek to reflect the diversity of The CPS’ workforce, especially with regard to race, in its internal cadre of trainers” (Denman Report).

Although equal opportunity practices in the CPS, such as the appraisal and reporting system are in line with most other government departments, a significant proportion of CPS recruits possess a degree, usually a law degree, for obvious reasons. One distinction, however, is their average age, which tends to be below that of other civil servants with similar periods of service (CPS Legal Trainee Scheme, 2005).

Table 7.3
Age at last birthday: All Respondents

		Frequency	Percent	Cumulative Percent
	Under 25	2	6.3	6.3
	25-34	11	34.4	40.6
	35-49	18	56.3	96.9
	60 +	1	3.1	100.0
	Total	32	100.0	

As Table 7.3 shows, in my survey most participants were between the ages of 35-49 (56.3%). This may be a reflection of the fact that most participants were from ethnic minority backgrounds, and traditionally they don't have a high turnover in the Civil Service. In Fitzroy Andrew's 1996 study (OPM), just under half of the respondents were between the ages of 31-40 – the majority of the white respondents were between the ages of 41-50.

Table 7.4
Age joined the Civil Service: All Respondents

		Frequency	Percent	Cumulative Percent
	Under 25	15	46.9	46.9
	25-34	15	46.9	93.8
	35-49	1	3.1	96.9
	50-59	1	3.1	100.0
	Total	32	100.0	

This study found that 46.9% were aged under 25 when they joined the Civil Service and an equal percentage were between the ages of 25-34 years old, which means that more than 90% of respondents were under the age of 35 when they took up their employment.

It should be noted that most of the participants were from ethnic minority backgrounds, with only 9.3% of the quantitative survey being white.

Education and Qualification

Table 7.5
Civil Service: Entrance Qualification: All Respondents

		Percent	Cumulative Percent
Valid	0	3.1	3.1
	GCSE	3.1	6.3
	O'level	15.6	21.9
	A'level	18.8	40.6
	Diploma	21.9	62.5
	Degree	37.5	100.0
	Total	100.0	

As can be seen from Table 7.5, a significant minority of civil servants (37.5%) entered their respective department with a degree, 21.9% possessed a diploma, while 18.8% were qualified up to A'level standard and 15.6% at O'level.

Similarly, OPM's 1996 study also found 50% of black respondents were educated to at least degree level, with white respondents similarly qualified. However, 48% of black respondents held a postgraduate certificate or

diploma and 36% held a masters degree. The proportion of black respondents in each of the two categories was slightly higher than the proportion of those that were white.

In my study, 50% of all participants possessed a degree of some kind, for ethnic minorities that was an increase of 12.5% on qualifications they held when they joined the Civil Service, having gained additional academic qualifications during their period of service.

Table 7.6
Degree Qualification: All Respondents

	Black British	Caribbean born	African born	White	Black Caribbean	Black African	Black other	Asian	Other	Total
0	21.9%	6.3%		3.1%	9.4%	3.1%	6.3%			50.0%
BA/BSc	3.1%		3.1%	3.1%		6.3%		6.3%	3.1%	25.0%
PGDip						3.1%				3.1%
BA/PGDip/ Masters		3.1%				3.1%			3.1%	9.4%
BA/PGDip	3.1%									3.1%
BA/BSc&Ma sters				3.1%						3.1%
Dip/BA	3.1%				3.1%					6.3%
Total	31.3%	9.4%	3.1%	9.4%	12.5%	15.6%	6.3%	6.3%	6.3%	100.0%

Where they accessed departmental training, acquiring skills in a number of areas, for example, general management, financial management, public relations and policy, this amounted to 62.5% of all ethnic minority participants (see Table 7.12).

An EO's reflection was that:

"I started my career in the Civil Service at the lowest grade (AA) despite having an (HND) in Accounts. Perhaps that's not so terrible because knowing what I am capable of; my belief was that I would rise to higher grades in no time. But what was terrible is that the opportunity to prove myself to senior managers was never there. Assumption were made at the mere sight of you, but as ones experience grows one becomes more confident and manages the situation accordingly..." (Male, [aged 25-34], EO, Black African).

While others said that:

"...I feel there is blatant, utter discrimination against ethnic minorities which has encouraged people to seek work in other areas. I would certainly not encourage anyone to work in this environment where degrees, masters and experience are overlooked because you are the wrong shade..." (Male, [aged 25-34], AA, Black Caribbean).

"From the time I joined I have been doing unpopular jobs. Although my performance has been of the highest quality, promotion has not been forthcoming. Even with the addition of two degrees, which I studied whilst working in the civil services, the skills I have not been recognised even though the degrees are an obvious sign of possession of necessary abilities to satisfy some of the competencies for the next grade up. Basically I'm stuck in this grade until a breakthrough is found. How the breakthrough will come about I do not know..." (Male, 35-49, AO, British Black)

Table 7.6 is consistent with the findings of the Cabinet Office synthesis of research referred to earlier (see page 103), which shows the complex interaction between class, race, demography and educational achievement and how these ultimately impact the labour market. That report suggests that the number of second-generation black Caribbean men and women being educated at degree level has increased, compared with their parents, though not sufficiently to close the gap on some other groups (Cabinet Office, 2003).

As Table 7.4 above shows, a significant proportion of the respondents joined the Civil Service under the age of 25 (46.9%) and a further 46.9% were between the age of 25-34, representing relatively young, qualified and skilled entrants into the Civil Service.

Table 7.7
Service by Age Group and Ethnicity

Ethnic Group	Age Joined Civil Service (%)				Age at Last Birthday (%)				Total
	Under 25	25-34	35-49	50+	Under 25	25-34	35-49	50+	
Black Groups	38.6	31.2	3.1		6.2	18.9	46.9	0.0	72.0
Black Other	6.2	0.0	0.0		0.0	3.1	3.1	0.0	6.2
Asian	0.0	6.3	0.0		0.0	3.1	3.1	0.0	6.2
White	3.1	9.4	0.0		0.0	6.3	3.1	0.0	9.4
Other	0.0	0.0	0.0	3.1	0.0	3.1	0.0	3.1	6.2
Total	46.9	46.9	3.1	3.1	6.2	34.5	56.2	3.1	100.0

However, at the time of this study 56.3% were aged between 35-49, 46.9% of this age group was Afro-Caribbean - and 34.4% aged between 25-34. 6.3% under the age of 25 (Table 7.3).

Table 7.8
Present Grade by Ethnic Group

	Ethnic group									Total
	Black British	Caribbean born	African born	White	Black Caribbean	Black African	Black other	Asian	Other	
AA					3.1%					3.1%
AO	21.9%		3.1%		9.4%	6.3%	3.1%	3.1%	3.1%	50.0%
EO	9.4%	3.1%		9.4%		9.4%	3.1%			34.4%
HEO		3.1%							3.1%	6.3%
Grade 7		3.1%						3.1%		6.3%
Total	31.3%	9.4%	3.1%	9.4%	12.5%	15.6%	6.3%	6.3%	6.3%	100.0%

Fifty per cent of all respondents were at Grade AO level, and for the combined black groups that represents 43.8%, one grade above the first rung

of the grading ladder and from the qualitative data 15.6% of those had been in their current post for 10 years or more.

It is an accepted view that educational qualifications do not necessarily guarantee equality (Prashar, 1997), but that is not to say they should have no significance in equipping an employee for a particular job or inform the ability to undertake certain roles.

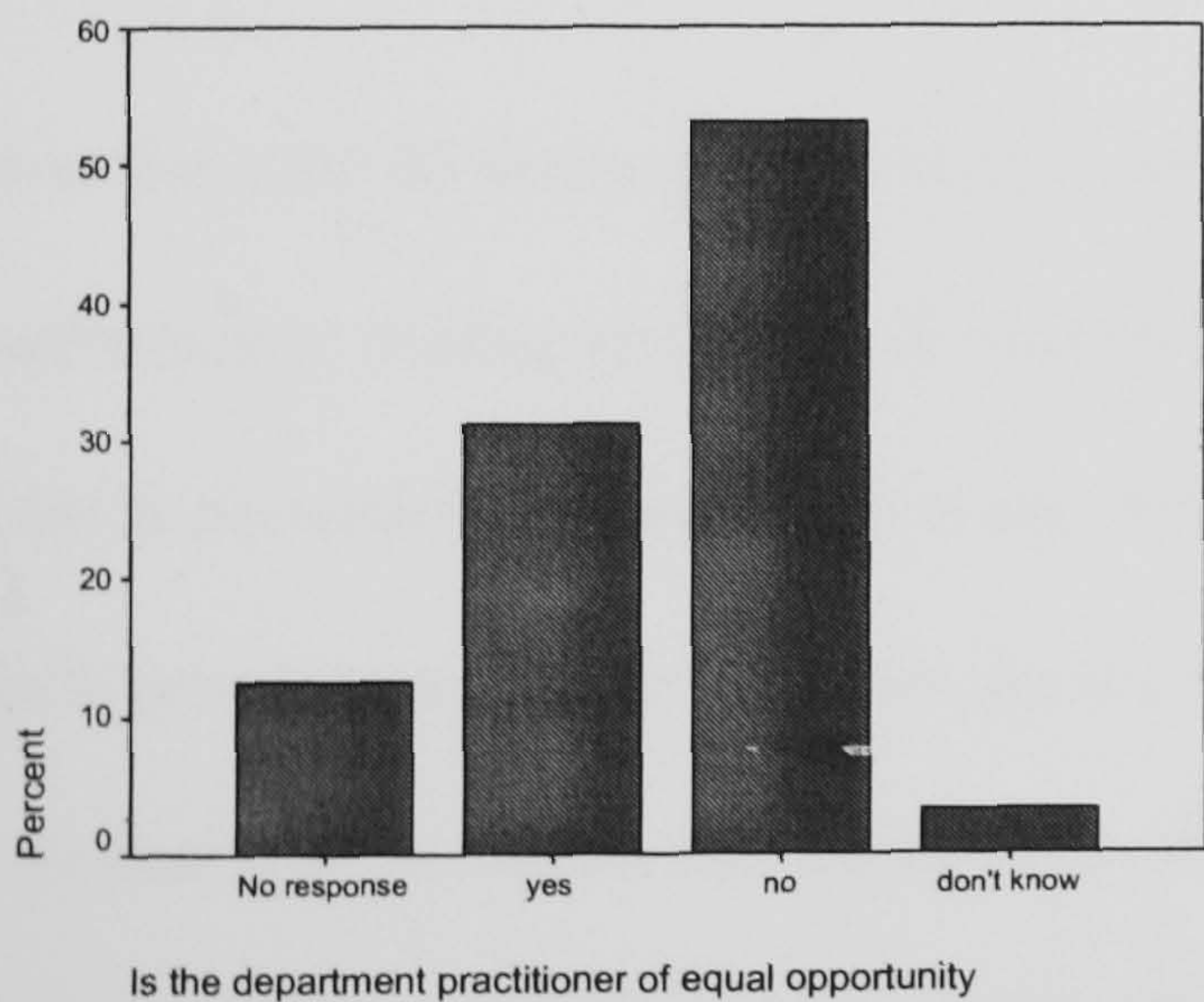
The argument that had been advanced in the past that the disadvantage experienced by minorities in the workplace owes much to their education cannot hold much longer. Jones (1993:31) predicted that as an increasing proportion of ethnic minorities in the UK were born and educated in this country, we might expect a narrowing of the gap in terms of educational achievement. Labour Force Survey found almost a decade ago, that blacks were overtaking whites in school qualifications. Some 36% of Afro-Caribbeans then had qualifications or vocational skills, compared with 31% of their Anglo-Saxon counterparts (1996).

As is shown above, the gap in educational achievement has indeed narrowed between Afro-Caribbeans and whites, therefore other theories need to be put forward by way of explanation for the disadvantage faced by ethnic minorities in the workplace.

Equal Opportunity in Action

In a Cabinet Office sponsored Civil Service-wide Diversity Survey in 2001 (ORC International) 71% of staff saw their department as an equal opportunity employer, against 12% who disagreed. However, questions such as this can throw up some interesting answers and are likely to invite further questions, as they can be misread, because being an equal opportunity employer is not the same as an employer that practices equal opportunity at all levels. Moreover, this survey addressed specifically diversity issues, as opposed to racial equality.

Chart A



In my survey (Chart A) when asked if respondents considered their department to be a practitioner of equal opportunity, a majority (53.1%) gave a negative response, with 31.3% agreeing that they were – 3.1% didn't know, while 12.5% failed to give a response.

One female respondent commented that:

“The Civil Service is really not for ethnic minorities. We tend to be stuck in the lower grades. From personal experience, I have a degree and I am an AO.... Black people are not progressing as fast as their white counterparts. The government should be showing an example and recruitment practices need to change: they should be in the lead. However, this will not change in my lifetime” (AO, Female, Black Caribbean [aged 25-34])

Another said that:

“I feel I have wasted my time in the Civil Service. I have been working in the service for 27 years, I have attended promotion boards and have applied for advance but no success so far. Black people have kept quiet and have put up with ill-treatment just to hold the job. We have not voiced our views and I think this is where the problem lies” (AO, Female, Black Caribbean, [aged 35-49]).

Promotion and Appraisal

Over the past 10 years, government departments have gradually introduced a performance management-based reporting and appraisal system. However, there is no uniform system that is applied across the Civil Service as a whole. Each government department or agency has the freedom to operate its own appraisal system within the framework of performance management; but the majority of government departments have similar systems and the most popular system is operated in the two departments whose employees participated in my study.

The pay system is linked to performance and a competence based “performance agreement”, setting out aims and objectives, ranging from 3-7 competences, are drawn up at the start of the reporting year for each

employee. Assessment is meant to be carried out objectively against performance objectives and standards set out at the start of the year in the “performance agreement”. During the end of year appraisal interview the Jobholder and Reporting Officer (RO) are expected to discuss the year’s performance with a view to agreeing an appropriate box marking, reflecting how well (or not) the Jobholder has performed. However, there is built-in subjectivity in this process in favour of the RO.

The success or otherwise of fulfilling the agreement is reflected in one of three box markings (3=Exceed; 2=Achieved and 1=Not Achieved). Although staff can apply for promotion based on their competencies with a box marking of 1 or 2, the view of the RO, who invariably is the line manager (confirmed by a Counter-Signing Officer) is significant in determining overall suitability for promotion, and consequently the level of an employee’s pay award.

If there is disagreement between an RO and an employee, the countersigning officer should endeavour to resolve any dispute, since failure to reach an accommodation means there is no further dispute resolution procedure. However, staff may exert their contractual and statutory entitlement to raise grievance in writing, which is governed by a separate set of rules.

The question of equal opportunity practices discussed immediately above may not have been interpreted in the same way by the participants in the

respective studies. However, the commentary from the questionnaires, and interviews from my study, indicate that these employees viewed the question primarily from the internal workings and practices of the employer. This is particularly in relation to the reporting and appraisal systems, the results they produce and promotability, which is derived from and dependent upon these results.

The perceptions of promotion and development processes from the Schneider-Ross (1999) study were that 70% agreed that the Civil Service takes equal opportunity seriously. However, a significant minority regarded equal opportunity in the Civil Service as window dressing.

Table 7.9
Personal View of Equal Opportunity Processes

	Ethnic group									Total
	Black British	Caribbean born	African born	White	Black Caribbean	Black African	Black other	Asian	Other	
No response	9.4%	3.1%		6.3%		6.3%				25.0%
positive	9.4%	3.1%				3.1%		3.1%	3.1%	21.9%
negative	12.5%	3.1%	3.1%	3.1%	12.5%	6.3%	6.3%	3.1%	3.1%	53.1%
Total	31.3%	9.4%	3.1%	9.4%	12.5%	15.6%	6.3%	6.3%	6.3%	100.0%

Similar views are reflected in my survey, for example:

“It is all okay on paper but not in practice” (AO, Female, Indian [25-34]).

Staff over 35 years old seem to be more forceful in their criticisms:

“Staff appraisal system discriminates. Hardly any black member in management” (AO, Male, Black British [aged 35-49]).

“There are policy statements eg ‘Department A’ is an equal opportunity employer’ without spelling out how it does it or what yardstick can be used to measure compliance” (Grade 7, Male, Bangladeshi [aged 35-49]).

“... I know several black people who have been in their posts as an AO for 5-10 years, which is totally unacceptable. The ... race discrimination acts (sic) within this country are not effective. There are too many loopholes. Black people are not progressing as fast as their white counterparts ...” (AO, Female, Black Caribbean).

“Being in the Civil Service for many years, promotion should be considered on how good you are in your job if it is job-related and based on your annual report. But instead it is too judgemental in the sense that 30 minutes is insufficient for the panels to say you are suitable for one particular job or not despite the fact that you have the capability of performing the task” (AO, Female, Black African [aged 35-49]).

A large scale study of appraisal in 13 Civil Service Departments in 2000 found that staff from white racial groups was consistently awarded higher marks than staff from other racial groups. This was true across grades, age groups, and length of service bands. The researchers found no evidence of significant differences in education or training between the groups that were likely to affect performance. Interviews with staff from all racial groups revealed common concerns about the appraisal system itself. Staff from non-white groups were concerned that their performance reviews and appraisal markings reflected stereotype attitudes about their racial groups (CRE, November 2005:59).

An interviewee, commenting on his 15 years as an EO and what he saw as a skewed reporting system, said:

“I must have had probably 3 or 4 (promotion markings) and once you have had 2 that’s enough to get you on to the Promotion Board, and then all of a sudden it (the

promotion marking) went down again ... I had an HEO as a Reporting Officer; that HEO gave me a fitted marking and she (referring to his previous Reporting Officer, who is now the countersigning officer) told the HEO to mark it down and the HEO said 'No, I can't do that, this is my assessment, this is how I have observed E's work and I think he deserves this fitted for promotion marking.' So they had a big argument about it; anyway the HEO stuck to her marking, she (the countersigning officer) was forced to accept the report as it was but she was still able to qualify it by saying 'I do not exactly agree with the Reporting Officer's assessment...'. That Counter-signing Officer is now my line manager again" (EO, Male, Caribbean Born [aged 35-49]).

Even those who saw their department as an equal opportunity practitioner added riders, in their commentaries:

"Needs to be improved – more minorities needed at higher grades" (Grade 7, Male, Caribbean Born [aged 35-49]).

"Appears largely to work but there are persistent problems with low representation of minorities in higher grades and top categories within annual report marking system" (HEO, Female, Anglo-Jamaican [aged 25-34]).

An earlier study from 1998 also records ethnic minorities as viewing decisions concerning promotion career moves, recruitment and appraisals to be clouded by prejudice (MaST Consultancy Services, 1998).

ORC International's diversity survey on behalf of the Cabinet Office, records a majority of respondents who felt that the promotion system(s) in the Civil Service do not operate on the basis of merit. 34.6% of ethnic minorities across the Civil Service believed that appraisal systems operated fairly, while only 17% believed promotion took place on the basis of merit (2001).

Representation in the Grading Structure

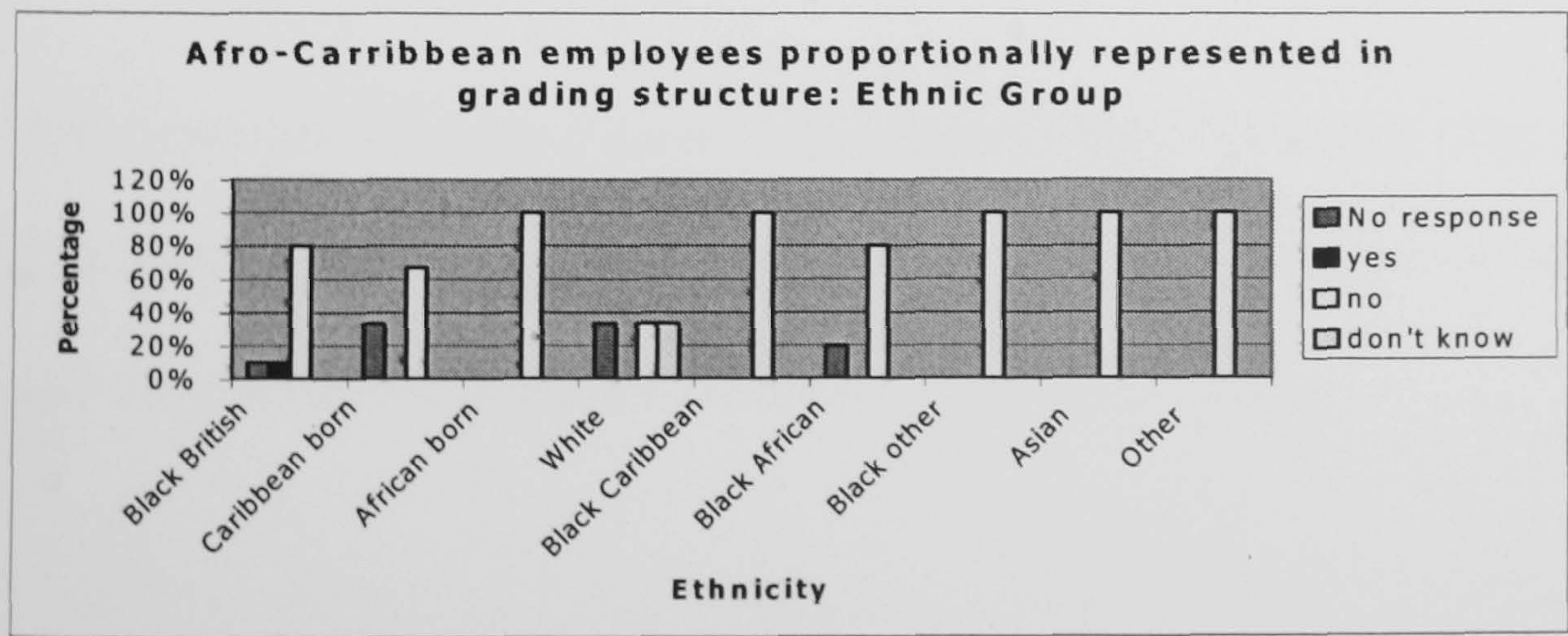
The position of ethnic minorities has already been shown in Table 7.8, but their over-representation in the bottom grades is recognised by most of those sampled.

Table 7.10
Afro-Caribbean Employees Proportionally represented in Grading Structure:
All Respondents

	Percent	Cumulative Percent
No response	12.5	12.5
yes	3.1	15.6
no	81.3	96.9
don't know	3.1	100.0
Total	100.0	

When asked if they considered that Afro Caribbean employees were proportionally represented in the grading structure, with regard to abilities and qualifications, more than 81% said this was not the case.

Chart B



Unsurprisingly, most of those who disagreed were the black groups combined. This is in contrast to 3.1% who thought that they were proportionally represented and 3.1% who didn't know, although those who failed to give a view amounted to 12.5%. Even if this significant minority were of a firm opinion either way there would still be a clear majority who were of a negative view of the situation, as illustrated by the following statements:

"...Definitely they seem to be addressing the problem of the ethnic minority being under-represented but just on paper. I have always felt that within the department it all depends on what department or section you work in (including your line manager) as far as career progression and work appreciation is (sic) concerned" (AO)

"Racism is rife. It's there but it's just difficult to prove. And then every once in a while they would promote one or two and then use those people and say 'there is no racism – look that guy is an HEO, that guy is an SEO, Grade 7, whatever, so how can you accuse us of racism'" (EO, Male, Caribbean Born [aged 35-49]).

"Afro Caribs make up a disproportionate number in the clerical/admin grades. An even smaller amount in the junior management and are just peppered in the senior management grade (sic)" (EO, Female, Black British [aged 25-34]).

"I think the department ignores this issue of number of black people in higher grades" (AO, Female, Black British [aged 34-49]).

Of the majority who gave a percentage negative score, 6.3% were Asian, 3.1% were white, 6.3% from other ethnic category, while the highest proportion were from all the black groups combined, including Africans.

Table 7.11
Department A
Staff in Post –By Grade & Ethnic Origin - January 2000

	White	%	Ethnic Minority	%	Un-recorded	%	Non-Participant	%	Total
Permanent Secretary	1	100							1
Director General (Grade 2)	3	100							3
Director (Grade 3+4)	30	85.7	1	2.9	3	8.6	1	2.9	35
Divisional Manager (Grade 5)	129	94.9	1	0.7	3	2.2	3	2.2	136
Senior Civil Service	163	93.1	2	1.1	6	3.4	4	2.3	175
Grade 6	74	90.2			1	1.2	7	8.5	82
Grade 7	522	92.6	11	2.0	13	2.3	18	3.2	564
SEO and Equivalent	308	87.7	15	4.3	12	3.4	16	4.6	351
HEO and Equivalent	712	87.0	43	5.3	27	3.3	36	4.4	818
EO and Equivalent	617	76.9	114	14.2	26	3.4	45	5.6	802
AO and Equivalent	604	64.3	244	25.9	59	7.3	32	4.0	939
AA and Equivalent	148	70.8	43	4.2	15	9.2	3	1.4	209
<i>TOTAL</i>	<i>3,148</i>	<i>79.9</i>	<i>472</i>	<i>12.0</i>	<i>159</i>	<i>4.0</i>	<i>161</i>	<i>4.1</i>	<i>3,940</i>

Source: Cabinet Office data

The table above, which comprises staff data for one of the departments involved in this study, and covering the relevant period of the study, supports this perception. It is worth noting that, of those who participated in the interview element of the survey, when asked, only one individual was able to provide a rough estimate of the ethnic minority composition of their department, in percentage terms.

At 12%, ethnic minorities were well represented in percentage terms in Department A and far in excess of the 7.9% minority ethnic population reported in the 2001 Census. Just over a quarter (25.9%) of AOs were from ethnic minorities and 14.2% were in the EO grade. However, the picture changed dramatically at the middle management grade of HEO immediately above that. The trend continued as the grading structure ascended, where within the SCS, there were only two employees in that grade, representing

1.1% of the ethnic minorities within the workforce, against 93.1% of SCSs who were white.

The 1999 Schneider Ross study found 80% of white men who regarded the Civil Service as taking equal opportunities seriously, with 70% of white women agreeing, against 50% of all ethnic minority staff – only 10% of ethnic minority staff in that study believed that promotion took place on the basis of merit.

Although this could be seen as an individual (or even group) perception, the data under consideration also show that 37.5% of Afro-Caribbean employees entered the Service with a degree and 21.9% with a diploma.

Table 7.12
Skills Acquired During Service: All Respondents

	Percent	Cumulative Percent
0	6.3	6.3
general management and admin	3.1	9.4
financial management	6.3	15.6
supervision	6.3	21.9
Public relations	3.1	25.0
policy	6.3	31.3
combination	62.5	93.8
None	6.3	100.0
Total	100.0	

In respect of the 62.5% who gained additional skills during the course of their employment (Table 7.12), it is interesting that such a high degree of internal training appears to have had a very limited impact on staff progression, since the barrier of qualifications was used in the past as an excuse for inequalities (Ben-Tovim et al, 1986:56). A large element of equality training policies of

the 1980s was given over to addressing on-the-job training, not least because there was acknowledgement of this long ignored provision of the Race Relations Act 1976. It would be fair to say recruitment is based on merit (see Table 7.5) but would appear to challenge stated promotion policy as being based on meritocracy.

The qualitative evidence suggests that, in certain circumstances, training could be requested to meet the needs of individual employees, but some respondents believed that there were managers who approved certain training on a selective, preferential basis, depending on who made the request. For example, preference could be made purely on the basis of a manager's subjective judgment, which took account of race to the exclusion of ethnic minorities, although only anecdotal evidence was offered to support this, it is an indication that official departmental policy was probably not being applied. Some people chose not to attend certain courses simply because they were on offer, which suggests that employees would have preferred to have a say in choosing the training they undertook, rather than have their training needs decided entirely by others and 6.3% did not acquire any additional skills than those they had when they entered the service.

Table 7.13
Training Discussed and Agreed

	Ethnic group									Total
	Black British	Caribbean born	African born	White	Black Caribbean	Black African	Black other	Asian	Other	
Yes	21.9%	9.4%	3.1%	6.3%	9.4%	9.4%		6.3%	3.1%	68.8%
No	9.4%			3.1%	3.1%	6.3%	6.3%		3.1%	31.3%
Total	31.3%	9.4%	3.1%	9.4%	12.5%	15.6%	6.3%	6.3%	6.3%	100.0%

However, 68.8% of the respondents discussed and agreed their training needs before undertaking training but a significant minority of 31.3% did not discuss training.

There was an obvious confusion among some respondents in distinguishing between positive action and positive discrimination. Some commented that:

‘I don’t think it should be used as a matter of course but in exceptional circumstances’ (EO, Male, White [aged 25-34]).

‘The term smacks of tokenism and anyone employed by such means may experience self-doubt’ (EO, Female, Black British [aged 25-34]).

However, there were some measured views:

‘I am not sure as to the effectiveness that positive action will have to redress the balance. People may be employed for the sake of statistics instead of merit’ (EO, Female, Black British [aged 25-34]).

‘I believe that giving everybody a chance is positive but it should not be done if a person is genuinely not capable’ (AO, Female, Indian [aged 25-34]).

While others were more strident:

‘Positive ‘action’ is not equal – it is discriminatory’ (EO, Male, White [aged 25-34]).

‘If positive action means positive discrimination then by definition is not equal’ (EO, Male, White [25-34]).

Although this was not a prevalent tone, it is difficult to establish to what extent those views had a bearing on the figures. Some respondents stated that

they did not understand the question, which suggests some degree of unawareness that such a policy exists anywhere, even within the organisation for which they work.

Table 7.14
Job Related Qualification: All Respondents

	Percent	Valid Percent	Cumulative Percent
No response	53.1	53.1	53.1
Yes	28.1	28.1	81.3
No	18.8	18.8	100.0
Total	100.0	100.0	

Only a minority of respondents had qualification(s) that was job or role specific (28.1%), 18.8% did not have any and a majority (53.1%) did not respond to the question.

A Joseph Rowntree Foundation Report, which examined the experience of Positive Action Training in Housing (PATH), concluded that the programme succeeded in its aim of training future black housing managers. The research looked at the application of Sections 37 and 38 of the Race Relations Act 1976 where 10 schemes trained people full time between one and three years through placements, supplemented by day release. Eighty per cent of the trainees got jobs they were trained for (Louis, 2001).

The principle contained in the PATH programme is applicable in most fields and can be tailored to any particular employment pool.

‘Widely trained but much of it informal, ie non-transferable to other employer’
(HEO, Female, Caribbean Born [aged 35-49]).

The above view on the quality of training correlates with personal experiences from the one-to-one interviews, specifically the informal nature of the training provided.

Traditionally, individuals were given set training, in accordance with a particular grade, whether or not that training suits the individual. However, since 2000 a civil service-wide policy has been introduced to put people’s career “in their own hands”, although it is down to individual departments to implement this as they see fit. This consists of one of the following or a combination thereof: employees determining the training they consider they might need to take their career in a particular direction or for self-development. At an interim or end of year assessment the Jobholder requests or seeks the manager’s approval to be transferred to an area of work that would take that individual down their chosen career path, say, for example, policy, legal or technical. However, much of this plan has been constrained by budgetary considerations.

Table 7.15
Race relations/equal opportunity unit

	Percent	Cumulative Percent
0	3.1	3.1
yes	81.3	84.4
don't know	15.6	100.0
Total	100.0	

As far as race relations/equal opportunity units were concerned, there appears to be a contradiction with the figures stated immediately above.

There is a natural assumption that there ought to be a direct correlation between the policy of positive action and the processes that should be involved and the way they are directed throughout an organisation. 81.3% said their employer had a section dedicated to equal opportunities, while 15.6% did not know whether or not such a section was in place. If such a high proportion, although a minority, of the workforce were unaware of the existence of a departmental provision, which should have (potentially) been to their benefit, it would suggest that this policy did not carry a high profile nor was it mainstreamed, to the extent that it begs the question of its effectiveness.

Personal views on the effectiveness of equal opportunity in terms of employment within the department was positive among a minority (21.9%) and attracted a negative rating from a majority (53.1%) (Table 7.9). There were comments such as:

“Works very well if one is in the lower grades (admin)” – (EO, Male, Caribbean Born [aged 35-49]).

“Non-existent” – (AO, Male, Black British [aged 35-49]).

“A glass (or is it concrete) ceiling operates denying progression to SCS” – (Grade 7, Male, Bangladeshi [aged 34-49]).

This indicates that some views were based on personal experiences. However, when asked if they had personally experienced racism in their current department 56.3% gave a negative response.

Table 7.16
Personal Experience of Racial Discrimination

	Ethnic group									Total
	Black British	Caribbean born	African born	White	Black Caribbean	Black African	Black other	Asian	Other	
0	3.1%	3.1%				3.1%				9.4%
Yes	9.4%				6.3%	9.4%	6.3%		3.1%	34.4%
No	18.8%	6.3%	3.1%	9.4%	6.3%	3.1%		6.3%	3.1%	56.3%
Total	31.3%	9.4%	3.1%	9.4%	12.5%	15.6%	6.3%	6.3%	6.3%	100.0%

Nevertheless, a significant minority (34.4%) said they were personally discriminated against and it is quite possible that it is those experiences that were manifested in the commentaries.

Table 7.17
Know others who Experienced Racial Discrimination

	Frequency	Percent	Cumulative Percent
0	4	12.5	12.5
Yes	8	25.0	37.5
No	20	62.5	100.0
Total	32	100.0	

On the other hand, 25% of respondents knew of others who had experienced racial discrimination in their department. Given the high negative rating (53.1% - Table 7.9) on the question of the effectiveness of departmental equal opportunity policies, and an even higher percentage of those who had not experienced discrimination, it is quite possible that the views that are

reflected in these figures take account of instances, other than those based purely on the basis of personal experience.

Table 7.18
Reasons for Working in the Civil Service: All Respondents

	Ethnic group									Total
	Black British	Caribbean born	African born	White	Black Caribbean	Black African	Black other	Asian	Other	
Salary	3.1%			3.1%						6.3%
Benefits	6.3%			6.3%	6.3%			3.1%	3.1%	25.0%
Career prospects	3.1%	3.1%			3.1%			3.1%		12.5%
Equal opportunity policies						3.1%				3.1%
Other	18.8%	6.3%	3.1%		3.1%	12.5%	6.3%		3.1%	53.1%
Total	31.3%	9.4%	3.1%	9.4%	12.5%	15.6%	6.3%	6.3%	6.3%	100.0%

Only a minority of respondents entered the Civil Service for reasons that would normally be considered by an ambitious job seeker in the course of choosing an employer, even taking those reasons as a combination. Important aspects such as “career prospects” attracted 12.5%, while for “salary” it was 6.3%. However, the qualitative data showed that although employees felt that the government as an employer would have greater regard in implementing equal opportunity policies than the private sector, job security was the foremost reason for remaining in the Civil Service.

This would partly explain the information in Table 7.4 where the majority of ethnic minority respondents joined the Civil Service under the age of 25, but at the time of my survey a majority were in the age group 35-49, despite negative experiences in terms of career stagnation and indirect racism, as illustrated in the qualitative data.

Conclusion

Civil Service Departments follow guidelines laid down by the Cabinet Office but there is flexibility in the application of that guidance. Although participating departments, in common with all Civil Service Departments, collected statistical data on ethnic minorities, this was restricted to ethnicity and grade. There was no consistent statistical data on disciplinary action taken against ethnic minority staff or racial discrimination cases referred to tribunals against their employer or the outcome of those cases. Neither was there any record to show the length of time employees spend in a particular grade.

The qualitative evidence showed that 10% of ethnic minority participants had taken their employer to ET over the past five years. Some were settled successfully at Tribunal, while others were settled at departmental level. Most related to “unfair” treatment connected to annual reports and assessments.

There are a few important conclusions that can be drawn from this chapter and the first is that across all groups in the participating departments there were overwhelming negative perceptions of the way equal opportunity policies were operated and implemented. Where semblance of policies existed, these were not conducted in a regimented or concerted way to fundamentally affect the position of ethnic minority staff. Both the

quantitative and qualitative data have shown that ethnic minorities' overall place within their organisations was not reflective of their skills and abilities.

Secondly, the reporting and appraisal systems were flawed in that they can be skewed by subjectivity and the appeals channels were limited. The evidence presented here is that none of the training that was offered to ethnic minorities fell within the provisions of Sections 37 and 38 of the Race Relations Act 1976. Additionally, improved skills and qualifications attained while on the job were not recognised for promotion and advancement purposes in the Civil Service.

Job security is the reason most Afro-Caribbean employees remain in the Civil Service and this is summed up best in the comments of one respondent who said that black people put up with ill-treatment just to hold on to their jobs.

CHAPTER 8

EQUAL OPPORTUNITY POLICIES AND PRACTICES IN LOCAL GOVERNMENT

In the previous chapter, a detailed analysis of data drawn from a sample of two Government Departments was presented. A general pattern emerged which indicated that ethnic minorities do not consider the Civil Service as a practitioner of equal opportunities within a broad interpretation of Section 38(b) of the Race Relations Act 1976, which provides that an employer in:

“(a) affording only those of his employees working at that establishment who are of a particular racial group access to facilities for training which would help to fit them for that work; or

(b) encouraging only persons of a particular racial group to take advantage of opportunities for doing that work at that establishment.”

As mentioned in Chapter 7, external examinations of Civil Service practices do not occur on a regular basis but in contrast to the Civil Service, the processes, practices and policies of Local Government have been extensively examined in the area of equal opportunities by writers such as Saggar, Young, Mason, Edwards and Solomos.

This is because Local Government, and in particular those within the inner cities, have been at the forefront of dealing with the consequences of discrimination in employment and have, accordingly, pioneered policies and programmes to, at the very least, ameliorate the effects of the social

conditions that discrimination creates and, at best to try to eradicate discrimination and the inequalities that result.

Social provisions have been the domain of Local Government since the beginning of the modern state but social provisions that took account of race, were not assumed responsibilities but were backed by legislation such as the Race Relations Act 1976, which imposes a statutory duty on LAs to make appropriate arrangements to promote equality and good relations between different racial groups (Section 71). The Local Government Act 1988 also places a duty on LAs to secure that their functions are carried out with due regard to the need to eliminate unlawful race discrimination and to promote equality of opportunity (Part II(18)(1)). As Saggar notes, race related issues were placed into a manageable policy environment by way of “localism” as well as being removed from the “high politics” of the centre (Saggar, 1991:120).

However, Local Government involvement in promoting race relations predates the above legislative provisions and other local political initiatives that were introduced in the 1980s. Section 11 of the Local Government Act 1966 provided that help be given to LAs to meet the special needs of Commonwealth immigrants. This enabled the government to make grants to LAs with two per cent or more Commonwealth immigrant children on the school roll (Select Committee Report, 1979). Nevertheless, it was deemed as

too restrictive and was amended by the Local Government (Amendment Act) 1993 to provide flexibility in its application:

“An Act to amend section 11 of the Local Government Act 1966 to permit grants to be made to local authorities making special provisions in exercising their functions, in consequence of the presence within their areas of persons belonging to ethnic minorities; and for connected purposes” (Section (1)(1)),

by providing for a 75% subsidy for approved funding schemes, the programme went a long way towards targeting national resources to local authorities (Saggar, 1992:85-86).

The comprehensive Race Relations Act 1976 placed responsibility upon LAs to eliminate racial discrimination and promote equality of opportunity. This was the basis on which, for example, the GLC argued that it carried out its race relations policies during the 1980s. The political directorate and policy officials at the GLC were keen to point out to their critics at the time that elements of the social policies that they pursued, such as giving due consideration to racial equality were in line with the provisions of the Race Relations Act 1976 and therefore they were essentially striving to meet their legal obligation.

LAs thus were seen as (and still are to some extent) the progressive arm of the public services as far as equality of opportunity is concerned, particularly in the recruitment of ethnic minorities. Nevertheless, the recruitment of

ethnic minorities is not a sufficiently reliable indicator of racial equality in the true sense of its meaning.

Lynette Harris in looking at equality of opportunity in Local Government recruitment practices, observed that greater diversity in the workforce would move the agenda from equal opportunities in selection, to one of barriers to promotion (2001:31-46), which essentially is the purpose of my study.

Table 8.1

Structures to Combat Institutional Racism		
Sector	% Adopting Definition of Institutional Racism	% with Corporate Strategy
Health Authorities	31	28
Further and Higher Education	26	28
Utilities	50	0
Local Authorities	52	39
Police	89	84
Fire Authorities	61	39
ALL	40	34

Source: UNISON 2001

In UNISON’s survey of public sector employers to assess their response to the McPherson Inquiry Report into the death of Stephen Lawrence, 98% said they had equal opportunities policies in place and 87% of those employers said these policies were reviewed regularly. However, only a minority of employers (14%) said that they had already put in place systems to address the promotion of under-represented groups. The UNISON study involved not only LA employers but other public service organisations, specifically: the Fire Service, Police Service, Health, Utilities, Further and Higher Education employers (2001:12-13).

The purpose of that survey was to determine the extent to which public bodies were reviewing their equal opportunities policies to meet McPherson’s definition of “institutional racism”.

The police had an adoption rate of 89% for McPherson’s definition of institutional racism, which is not surprising, given the fact that it was their performance (or non-performance), attitude and approach within that organisation in investigating the murder of the Black teenager, Stephen Lawrence, that gave rise to the McPherson Inquiry. Overall a sizeable minority of employers (40%) adopted the definition of institutional racism; nevertheless, this includes a majority of LAs at 52%.

Table 8.2

Review of Policies			
Employer	Had Reviewed Policies		
	Yes	No	No Response
Fire Authorities	87%	9%	4%
Police Authorities	84%	11%	5%
Local Authorities	76%	16%	8%
Health Authorities	61%	27%	12%
Further and Higher Education	50%	43%	7%
Utilities	50%	50%	-
ALL	65%	26%	9%

Source: UNISON 2001

In the UNISON survey 65% of all employers reviewed their equality policies and 76% of LAs did the same. However, a significant minority of local authorities (16%) had not undertaken any policy review. On the issue of promotion, the wider survey showed only 14% of employers had systems in place to address the promotion of under-represented groups and such systems were slightly more likely to exist in LAs than the others but even here

the proportion reporting that such systems were in place was only 17% (UNISON, 2001).

The survey reported above featured employers with sizeable ethnic minority employees, since staff complement will determine the extent to which efforts would be made to take those issues forward. Where ethnic minority staff figures are insignificant, there would be less need to prioritising those issues.

Table 8.3
Ethnicity: All Respondents

Ethnic Group	Frequency	Percent	Cumulative Percent
0	2	4.2	4.2
Black British	13	27.1	31.3
Caribbean	3	6.3	37.5
Born	4	8.3	45.8
African Born	3	6.3	52.1
White	14	29.2	81.3
Black-Caribbean	5	10.4	91.7
Black	1	2.1	93.8
African	3	6.3	100.0
Black Other			
Other			
Total	48	100.0	

Ethnic minorities naturally constitute a minority of the workforce in LAs, but in my study, only 6.3% of questionnaire respondents were white; however, a combined total of 15% of white employees took part in the survey as a whole.

Table 8.4
Age at Recruitment: All Respondents

		Frequency	Percent	Cumulative Percent
Valid	0	2	4.2	4.2
	Under 25	15	31.3	35.4
	25-34	20	41.7	77.1
	35-49	9	18.8	95.8
	49-59	2	4.2	100.0
	Total	48	100.0	

Most of the Local Government respondents were not recruited as young as those in the Civil Service where a majority was under age 25.

Table 8.5
Age Last birthday: All Respondents

		Frequency	Percent	Cumulative Percent
Valid	Under 25	1	2.1	2.1
	25-34	16	33.3	35.4
	35-49	22	45.8	81.3
	50-59	8	16.7	97.9
	Over 60	1	2.1	100.0
	Total	48	100.0	

At the time of my survey one out of every three respondent was aged between 25-34 but the majority (45.8%) was aged 35-49, the same as the Civil Service but with a smaller margin.

However, at the time of taking up their employment within Local Government, just under a third were under 25 years of age, with one in four aged between 25-34 (41.7%) and 18.8% between 35-49.

These figures would suggest that there might be an overwhelming constant in terms of personnel up to age 34, where those who joined under the age of 25 (31.3%) have become the 25-34 age group (33.3%). However, there is a

significant difference between those who joined at age 35-49 (18.8%) and those currently in that age group (45.8%).

Education and Qualification

As shown in Chapter 4, there is a wealth of evidence showing that Afro-Caribbeans are more likely to remain in full-time education post-16 than their white counterparts, and this has been consistent since the 1980s, first most notably in the Third PSI survey (Brown, 1984).

Table 8.6
Local Government: Entrance Qualification: All Respondents

		Percent	Cumulative Percent
Valid	0	4.2	4.2
	CSE	4.2	8.3
	RSA	2.1	10.4
	GCSE	14.6	25.0
	O'level	8.3	33.3
	A'level	8.3	41.7
	Diploma	16.7	58.3
	Degree	37.5	95.8
	Other	4.2	100.0
	Total	100.0	

As can be seen from Table 8.6, 37.5% started their jobs in Local Government with a degree and 16.7% with a diploma. Additionally, 14.6% of Local Authority employees joined their respective organisations with GCSEs, 8.3% with O'levels and an equal percentage with A'levels.

Table 8.7
Present qualification

		Percent	Cumulative Percent
Valid	0	4.2	4.2
	CSE	4.2	8.3
	GCSE	4.2	12.5
	O'level	6.3	18.8
	A'level	2.1	20.8
	Diploma	18.8	39.6
	Degree	47.9	87.5
	Other	12.5	100.0
	Total	100.0	

At the time of the survey, 47.9% of respondents possessed a degree with 18.8% holding a diploma. The Local Government employees improved their academic qualifications by a larger margin than the central government employees.

Here there is a slight difference with the Civil Service data in favour of that sector, where 3.1% joined the Civil Service with GCSE, 15.6% with O’levels, 18.8% with A’levels and a higher percentage with diplomas (21.9%) (Chapter 7: Table 7.5).

Having said that, the difference at degree level was insignificant. The percentage of LA employees who did not have a degree stood at 52.3% compared to 50% of civil servants. In line with civil servants, the view was that academic qualifications are unrecognised by the employer:

“I believe more is to be done on equal opps. Policies need to be more transparent and Black people’s qualifications should lead to promotion and better prospects...”
(SO2, Male, Black African [aged 34-49]).

Development Policies

Table 8.8
Positive Action: All Respondents

		Percent	Cumulative Percent
Valid	0	27.1	27.1
	Yes	50.0	77.1
	No	20.8	97.9
	Don't know	2.1	100.0
	Total	100.0	

In my study, when asked “Is positive action part of equal opportunity policies?” a majority (50%) answered positively, against 20.8% who provided a negative response. However, a substantial minority 27.1% did not offer a view, while 2.1% did not know.

From amongst the majority:

“...Positive action should be promoted and people should be made aware of the issues that adversely affect Black and Asian people. It is only through education and awareness that such issues can be addressed” (SO1, Male, Black African [aged 35-49]).

“...increased access to secondment and acting opportunities for adequately qualified Black staff....should review its recruitment procedures to align its Positive Action(?) programmes such as secondments in order to make them more meaningful especially for Black staff” (PO2, Male, Black African [aged 35-49]).

“...Quota system and positive action should be introduced in order to redress the imbalance in the number of Black people in the higher ranks. Until real change is introduced, Black people’s chances in securing better jobs will remain just another dream” (SO2, Male, Black African [aged 25-34]).

While a dissenting view stated that:

“...I do not personally agree with positive action. Progression should be on the basis of merit alone, however the rarity implies racism. The upper echelons of local government is very closed and incestuous shop (sic) therefore it will need a very rough shake up for things to change” (SO1, Female, Black British [aged 25-34]).

Table 8.9
Practicing Equal Opportunity: All Respondent

		Percent	Cumulative Percent
Valid	0	8.3	8.3
	Yes	41.7	50.0
	No	47.9	97.9
	Don't know	2.1	100.0
	Total	100.0	

However, when their views were sought on the Council as practicing equal opportunity policies, 47.9% gave a negative response to the question, against 41.7% who agreed and illustrated in the following comments:

“Management will often have certain people lined up for certain posts and make sure they get the posts” (Male, aged 25-34, Assistant Librarian).

“Proven record of discrimination through number of cases brought by TU and IT” (Female, aged 25-34, Scale 3).

“There is a mantra preached at my workplace ... of ‘social inclusion’ which is only in practice a buzz word used for funding” (Female, aged 35-49, Scale 4).

“Bias in Management” (Male, aged 35-49, Scale 3).

“We have policies but implementation has to buck institutional processes as well as attitudes that are resistant” (Female, aged 35-49, PO6/7).

Table 8.10
Practicing Equal Opportunity: Gender

	Sex			Total
	0	Male	Female	
0	25.0%	25.0%	50.0%	100.0%
	100.0%	5.9%	6.7%	8.3%
Yes		45.0%	55.0%	100.0%
		52.9%	36.7%	41.7%
No		30.4%	69.6%	100.0%
		41.2%	53.3%	47.9%
Don't Know			100.0%	100.0%
			3.3%	2.1%
Total	2.1%	35.4%	62.5%	100.0%
	100.0%	100.0%	100.0%	100.0%

Opinions and experience here differ. Most of those who agreed were male (52.9%) against 41.2% who disagreed, while a majority of female disagreed (53.3%), with only 36.7% in agreement and a small minority did not offer a view. Some positive views were that:

“Details of Black and Asian Support Group placed in application packs. Black and ethnic groups able to meet once monthly to discuss issues directly related to them” (Male, aged 35-49, Sheltered Housing Officer).

“Employing staff to/ that reflects the community, recruitment panels are made up of people from different groups/categories selecting stock – ensuring the needs of different categories are met ie large print books as well as normal print, talking books for those who can't or don't read” (Female, aged 35-49, Library Assistant).

“In the recruitment stage EO is emphasised/ Council has an EO policy and state/ EO course attendance encouraged” (Male, aged 35-49, SO1/HAY8).

While some were reflective of the diversity environment, seeing the issue wider than from a racial equality perspective:

“Translation/interpreting service available, access to services for people with disabilities” (Female, aged 25-34, Grade 7).

“Hiring women, the disabled and ethnic applicants” (Male, aged 50-59, Adviser Strategic Services).

There are significant differences of opinion between LA employees and the following may help to explain these.

If it is assumed that the 27.1% of respondents in Table 8.8 who declined to commit either way were reluctant to be negative, then that would be a positive indicator of the policies that were being pursued by LAs. On the other hand, such an inclination could also indicate a retreat, when the qualitative data are taken into account. Many longer serving employees found positive action initiatives to enable equality of opportunity that were previously in place had been gradually revised or “run down” in a way that suggested a weakening of the provisions to the extent that they were serving no useful purpose.

Where some respondents felt that their employers were making an effort in any particular aspect of equal opportunity, the tendency was to take a positive view of the policy as a whole. One participant, for example, while being ambivalent about the effectiveness of the Council’s equal opportunity employment policies highlighted the positive aspects, as he saw them:

“We try hard but like many, could do better. We have performance targets in all statutory areas” (Male, PO3 aged 50-59).

It must be noted that included in the 27.1% are people who felt unable to give a worthwhile view because of limited service with the employer.

Table 8.11
Proportional Representation: All Respondent

		Percent	Valid Percent	Cumulative Percent
Valid	0	20.8	20.8	20.8
	Yes	12.5	12.5	33.3
	No	62.5	62.5	95.8
	Don't know	4.2	4.2	100.0
	Total	100.0	100.0	

This might account for the fact that there was also a majority of Local Government employees who believed that Afro-Caribbean employees were unfairly represented in the grading structure (62.5%), although this was significantly lower in percentage terms than those in the Civil Service. Some participants summed this up thus:

“I know of many Black officers who have trained staff who are now their managers. This is very common place; this is what I would like to see tackled” (Female, Scale 6, Black Caribbean [aged 25-34]).

“Not enough Black people in Management” (Female, Scale 4, Black British [aged 35-49]).

“No Black Directors. Very bottom heavy. Further up the structure you go, the lower the level of representation” (Female, SO, Black British [aged 24-35]).

A significant minority of 20.8% did not give a view but 12.5% thought that they were proportionally represented. A number of interpretations could be placed on this.

Local Government generally and specifically inner city LAs experienced extensive restructuring during the 1990s. Many, no doubt, took the opportunity presented by these programmes of reorganisation restructuring to rid themselves of negative images and labels, “loony left” being one of the

more prominent example (Gordon, 1990:175-188). These restructuring exercises saw the emasculation of equality policies and their supporting systems within these organisations (*The Guardian*, 20 June 1995). One view that could be taken is that although there had been a negative change in approach in dealing with equal opportunity issues, the original programmes and policies of addressing these issues were well developed and embedded. These were sufficiently entrenched that they created a culture within Local Government to such an extent that it was difficult for that culture to be totally deconstructed.

For example, the increase in qualification at degree level in Table 8.6 and Table 8.7 was largely financed by Local Government as an employer. The minimal difference in views on positive action practice (Table 8.8) between Local government and the Civil Service is also a case in point.

On the other hand, it is quite possible that some equilibrium is returning to equality programmes in local government, after the upheaval by way of reorganisation of the late 1980s and early 1990s, since the survey also found 81.3% of LA employees confirming their organisation had a race relations/equal opportunity unit. Nevertheless, one relatively senior employee (PO6) who worked in local government for more than 20 years told me during our interview that, although there was an Equal Opportunity Unit in her present Council “I am not sure what their role is and I don’t know anyone who does”.

Table 8.12
Race Relations/Equal Opportunity Unit: All Respondents

		Percent	Valid Percent	Cumulative Percent
Valid	0	6.3	6.3	6.3
	Yes	81.3	81.3	87.5
	No	8.3	8.3	95.8
	Don't know	4.2	4.2	100.0
	Total	100.0	100.0	

In his 1990 study of some LAs John Edwards found instances where race relations apparatus had been dismantled (Edwards, 1995:48). Nevertheless, the presence of Race Relations Units does not by themselves mean that enabling structures are in place to foster positive equality of opportunity. In terms of Edwards’ analysis and that of others (Haynes, 1997 and Gordon, 1990) the consensus that had emerged in the early 1990s was that a retreat from progressive race relations policies had taken place in locations all over the country.

When set against a similar percentage of civil servants who said their department had a Race Relations/Equal Opportunity Unit as local government employees, it may not appear impressive for the latter, but 15.6% of civil servants (Chapter 7: Table 7.5) did not know whether or not their Department had a unit or section dedicated to equality issues. However, the Civil Service does not have the long-standing practice of equal opportunity units and the kind of progressive policies that were dominant in LAs during most of the 1980s. That is not to say equal opportunity was not part of Civil Service policy, in fact the opposite is true. However, it is not the same as the creation of the culture that was attempted in Local Government, a process

described by Solomos and Back as “institutionalised anti-racism” (1996:116), though arguably controversial. Dedicated units or sections did not exist in individual departments and what are currently in place in most Civil Service departments are Diversity Units and these are more recent than the diversity concept itself. Furthermore, the concept of diversity is different from that of equal opportunity (Kandola & Fullerton, 1994:11). The policy of equality of opportunity is largely a political reaction to institutional racism (Solomos & Ball, 1986:215) therefore the pioneering policies in the workplace necessarily took account of race. Diversity on the other hand was devised to counter race-based equality programmes and is a business initiative (Yakura, 1996:35), rather than a component of social policy.

Training

It is an accepted view within the public sector that an important component in operating equal opportunity policies is the provision of appropriate and consistent training. Where this is effective it will have a bearing on career progression.

Table 8.13
Internal Training Provided: All Respondents

	Percent	Cumulative Percent
No	18.8	18.8
Yes	77.1	95.8
None	2.1	97.9
Non-response	2.1	100.0
Total	100.0	

Over three-quarters (77.1%) of respondents were provided with internal training and 2.1% were not – 18.8% did not respond to the question.

Table 8.14
Internal Training: All Respondents - Gender

Internal training provided			Sex			Total
			0	male	female	
	0		11.1%	55.6%	33.3%	100.0%
		Total	2.1%	10.4%	6.3%	18.8%
	Yes	% within sex		29.7%	70.3%	100.0%
		Total		22.9%	54.2%	77.1%
	None	% within sex			100.0%	100.0%
		Total			2.1%	2.1%
	Not Sure	% within sex		100.0%		100.0%
		Total		2.1%		2.1%
	Total		2.1%	35.4%	62.5%	100.0%

Of those who had training, 70.3% were female and 29.7% male. 10.4% of men did not respond, neither did 6.3% of women, while 2.1% of women did not receive any training.

Table 8.15
Internal Training: Ethnic Groups

		0	Black British	White	Black Caribbean/ Caribbean Born	Black African	Black Other	Other	Total
0	Count	1	3		3	1		1	9
	% within Internal training provided	11.1%	33.3%		33.3%	11.1%		11.1%	100.0%
	% within Ethnic group	50.0%	23.1%		21.4%	20.0%		33.3%	18.8%
	% of Total	2.1%	6.3%		6.3%	2.1%		2.1%	18.8%
Yes	Count	1	10	3	13	7	1	2	37
	% within Internal training provided	2.7%	27.0%	8.1%	35.1%	18.9%	2.7%	5.4%	100.0%
	% within Ethnic group	50.0%	76.9%	100.0%	71.4%	80.0%	100.0%	66.7%	77.1%
	% of Total	2.1%	20.8%	6.3%	27.1%	14.6%	2.1%	4.2%	77.1%
None	Count				1				1
	% within Internal training provided				100.0%				100.0%
	% within Ethnic group				7.1%				2.1%
	% of Total				2.1%				2.1%
									1
Total	Count	2	13	3	17	9	1	3	48
	% within Internal training provided	4.2%	27.1%	6.3%	35.5%	18.7%	2.1%	6.3%	100.0%
	% within Ethnic group	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total	4.2%	27.1%	6.3%	35.5%	18.7%	2.1%	6.3%	100.0%

All the ethnic groups were offered internal training, with the Black Caribbean and Caribbean born scoring the highest with 35.1%.

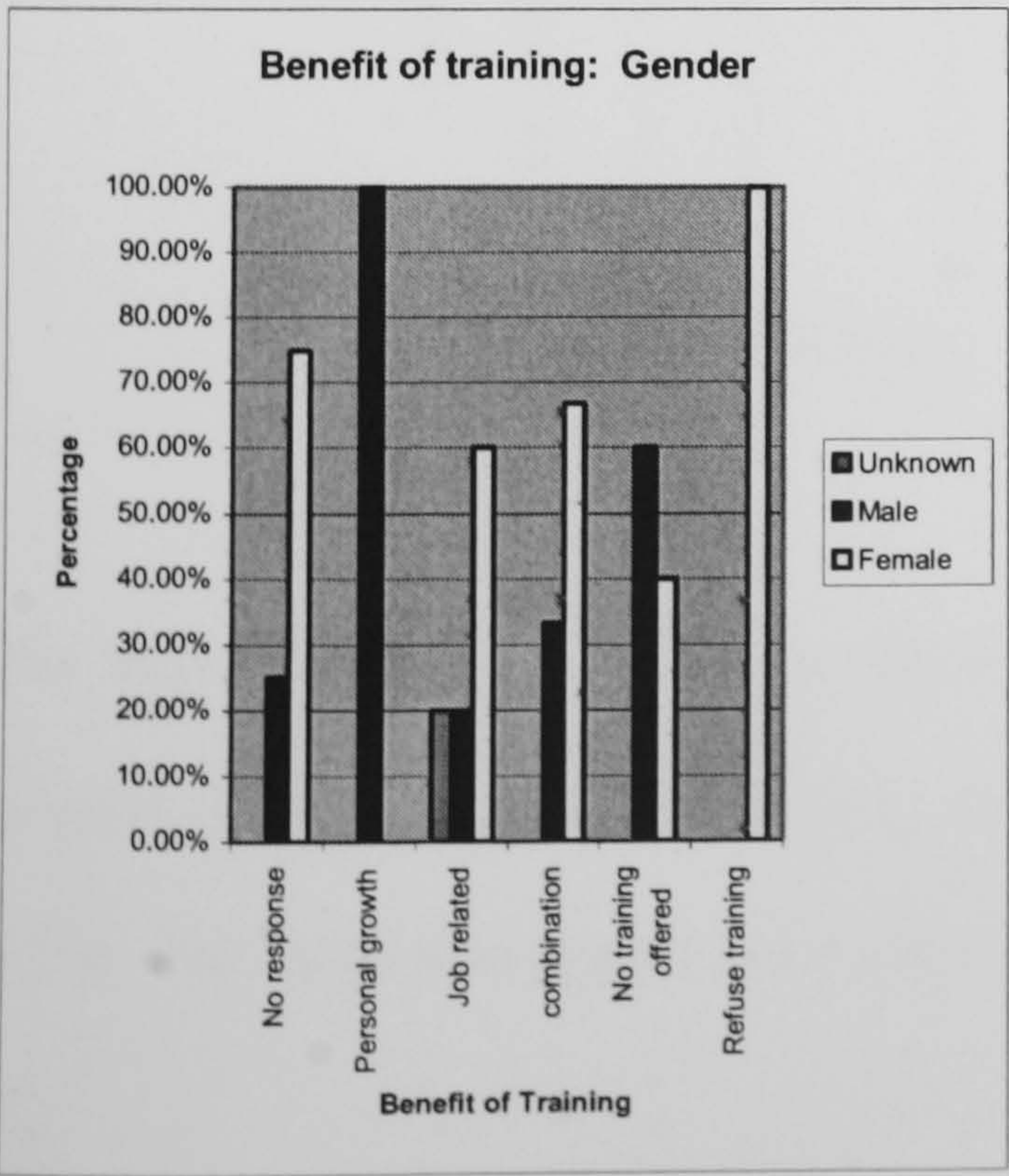
Table 8.16
Benefit of training

		Percent	Cumulative Percent
Valid	0	16.7	16.7
	Personal growth	4.2	20.8
	Job related	10.4	31.3
	combination	56.3	87.5
	No training offered	10.4	97.9
	Refuse training	2.1	100.0
	Total	100.0	

Those who benefited overall from the training offered to them was 56.3%. 10.4% said their training was job related, but 4.2% found that it helped their personal growth. However, 10.4% were offered no training and 2.1% refused the training that was offered – one of those who did not take up the training on offer said:

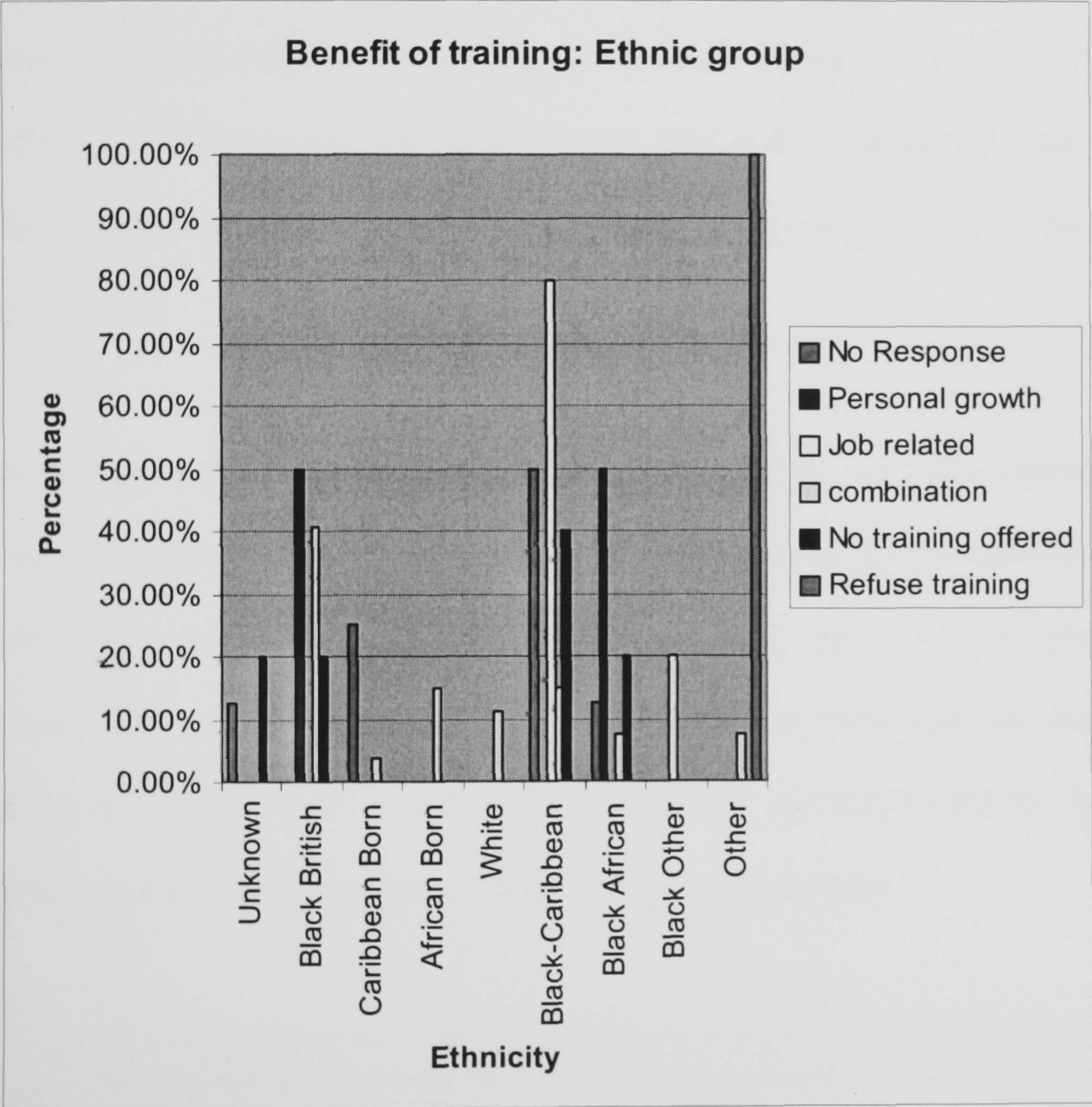
“I am not going to sit in on some so-called training in order that they can tick a box for management purposes, when I know it will not benefit me in any way whatsoever” (Female, SO1, Black Caribbean [aged 35-49])

Chart C



More women (63.6%) than men (36.4%) found all aspects of their training beneficial. However, none of the women derived any degree of personal growth from their training and the benefit was almost entirely job related.

Chart D



The largest beneficiaries were the Black British at 40.9% for both men and women, whilst the group benefiting the least were the Caribbean born at 4.5%. For those who appear not to have derived much benefit:

‘My career development as a whole has been at a standstill, apart from day attendance courses which does not prepare me for promotion to a higher level. My career has been stunted. Even when trying to accomplish courses which would enhance my chances I still come up with (sic) obstacles’ (Female, Scale 5, Black Caribbean [aged 35-49]).

Taken together, there is a contradiction in the information contained in Tables 8.15 and 8.16 above. However, the qualitative data suggests that respondents regarded internal training as “routine” whereby external training such as secondments are coveted as they are seen as the training from which they were more likely to derive benefits that could possibly enhance career progression.

Ninety per cent of interviewees said that their training and development needs would be best facilitated either by gaining experience shadowing senior colleagues, transfers within the Council to learn the work of other directorates or arrange their own training, with the costs met by their employer. The first two options were possible but not widely used but the third is not an available option. A female participant said that:

‘It is so frustrating when you are presented with a list of training courses and none meets a developmental need, since they all require attendance by every member of staff’ (Female, Black British, [aged 35-49] SO1).

Table 8.17
Present grade: Local Authority

		Percent	Cumulative Percent
Valid	0	6.3	6.3
	Scale1-2	10.4	16.7
	Scale 3-4	31.3	47.9
	Scale5-6	8.3	56.3
	SO1-SO2	12.5	68.8
	PO1-PO2	12.5	81.3
	PO3-PO5	6.3	87.5
	PO6-7	2.1	89.6
	Other	10.4	100.0
	Total	100.0	

One half of ethnic minority staff were located in the Scale 1-5 grades, with only 12.5% who were graded SO1-SO2 and a similar percentage who were PO1-PO2. However, a significant minority (18.8%) were in grades PO3 and above.

One LA attributes the concentration of ethnic minorities in the lower grades to the age of its employees. According to this explanation, ethnic minorities constitute the younger group, set against white employees, and they have fewer years' service than their white colleagues and climbing the promotion ladder takes time. Therefore white employees positions have been achieved over longer period of service that ethnic minorities do not have. However, they recognise that this does not by itself account for the situation and accept that there could be other reasons, which they hoped to establish through their own investigation in the future.

Nevertheless, the Councils' own statistics, which are more recent than the data collected for my study, show progress being made, particularly since the

introduction of the Race Relations (Amendment) Act 2000. The Act, which essentially closes what many regarded as “loopholes” in the Race Relations Act 1976, places a duty on all public bodies as follows:

“2. - (1) For section 71 of the 1976 Act (local authorities: general statutory duty) there is substituted-

71. - (1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need-

(a) to eliminate unlawful racial discrimination; and

(b) to promote equality of opportunity and good relations between persons of different racial groups”.

{Schedule 1A).]

This legal imperative has resulted in the monitoring of all staff in these organisations, which has been quite extensive in some cases, particularly in comparison to the Civil Service.

Having said that, the Civil Service, through the Cabinet Office, has an established practice of ethnic monitoring since 1989. However, this is not the same as tracking the record of ethnic minority civil servants, which the Cabinet Office did not begin to keep until 1998 and it could be suggested that effective use of that information would have produced better formulation of equal opportunity policies than are currently in place.

Despite the relative superior position of the LA employee to that of the civil servant, which has been attained by way of entrenchment, the systems that presently govern their respective equality policies are wholly or partially under the banner of Diversity. This is a worthwhile concept and has its place in encouraging understanding in a multicultural society but its effectiveness in achieving equality of opportunity is debatable.

All the participating LAs regard themselves as equal opportunity employers, which is undeniable, when the staff complements are looked at, but none had a regimented and structured policy in place to substantiate that claim beyond the number of ethnic minority staff employed.

Conclusion

The conclusions to be drawn from the data presented in this chapter are similar to those reached on the Civil Service in Chapter 7, except in a few respects. The evidence presented here shows more than adequate provision and accessing of training. Most of the training provided enabled the respondents to carry out their duties in their current role, but did not provide them with the skills to perform at the higher level. This is demonstrated by the quantitative data which shows that no female employee derived any degree of personal growth from their training and that any benefit was almost entirely job related. Where opportunities arose for “acting up”, say, people were chosen on the basis that they have had to possess the necessary training,

while on the other hand, the required training would not have been provided if requested, on the basis that it was not essential for the employee to carry out his/her existing job. Apart from being a catch-22, situation, this was discriminatory as well as, since candidates for “acting-up” were nominated, rather than the post opened up to suitable candidates by way of competition.

There is evidence here of positive action legacies of the 1980s, from which LA employees are still benefiting, for instance, the enduring educational improvement achieved at their employer’s expense. In terms of grade and, consequently, income a higher percentage of the LA ethnic minority employees, including Afro-Caribbeans were in a better position than civil servants.

The evidence further suggests that the introduction of the Race Relations Amendment Act 2000 is bringing about some necessary changes, in particular the collection and monitoring of data on ethnic minority staff. However, the Equal Opportunity Action/Diversity Plans for all the LAs involved are quite nebulous and unspecific about the type of development training that the proposal would offer ethnic minority staff that would fall within Section 38 of the Race Relations Act 1976. Therefore, the possibility exists that both employer and employee will find that the issue of under-representation will not be taken forward, as is the intention of the Act, since in order to adequately address an issue of this magnitude a lot more than basic training

will be necessary. Indeed, Sections 37 and 38 of the Race Relations Act 1976 will need to be interpreted and applied widely.

In the next Chapter, a critical discussion of the diversity concept will be undertaken.

CHAPTER 9

DIVERSITY AND RACIAL EQUALITY IN ACTION

In the two preceding chapters I have presented and analysed data obtained from two central government departments and three LAs, respectively. Some of the findings from those data will be further analysed here and will include published Cabinet Office and departmental data, which corroborate certain aspects of my findings. There will follow a discussion of one important fact that has emerged from those data and it is the extent of the development of the diversity concept to the exclusion of the implementation of Sections 37 and 38 of the Race Relations Act 1976.

Local Authorities

Other investigations and studies have produced similar findings as those shown in this study, most notably Crawford (1997) in the case of local government and Schneider-Ross (1999) for the Civil Service.

Having said that, it is difficult for a complete picture to be presented here since none of the participating LAs had a consistent policy of ethnic monitoring prior to the Race Relations Amendment Act 2000. Thus there was no record of the kind that was available to Crawford (1997). This author was informed in an interview with the “Head of Equalities” in one of the participating councils that all the limited records that were kept on their

ethnic minority staff and early equal opportunity policies had been destroyed when there was a policy revision throughout the Borough in 2001 to prepare for the introduction of the Race Relations (Amendment) Act 2000.

Lincoln Crawford's Inquiry in Hackney found that:

"... although the workforce profile showed a good spread of visible minority staff in lower grades and in some of the senior grades, what the data did not show was the rate and level of promotion of these staff. Many of them told me that they were in the original post into which they were recruited and had never been promoted..."
(Crawford Report, 1997:36-37),

a similar finding was made in my study, specifically in the case of Local Authority B.

Diversity as a policy is not clearly set out as a strategy in local government as it is in the Civil Service, nonetheless, it operates to a lesser extent in that area of the public service, with direction from the centre (ODPM, 2003).

Although structural remnants of equal opportunity can be found in local government, the diversity concept is slowly replacing them. The most recently available staff complements are as follows:

Table 9.1
Local Authority A

Representation of Black and Minority Ethnic Staff at Senior Level PO4 and above (excluding Schools – 2001/2002)					
Grade	White		Black and ME		Total
	Number	%	Number	%	
Chief Officer	29	94	2	6	31
Special Range (or equivalent)	38	90	4	10	42
PO7-PO8	87	89	11	11	98
PO4-PO6	195	84	37	16	232
TOTAL	349	87	54	13	403

Source: The Council’s data

Precise data for the lower grade staff in Local Authority A were not available; however, the borough has an ethnic minority population of 29.83%, the largest minority group being of African/Caribbean extraction at 13.32%, including mixed heritage from this group (Census 2001).

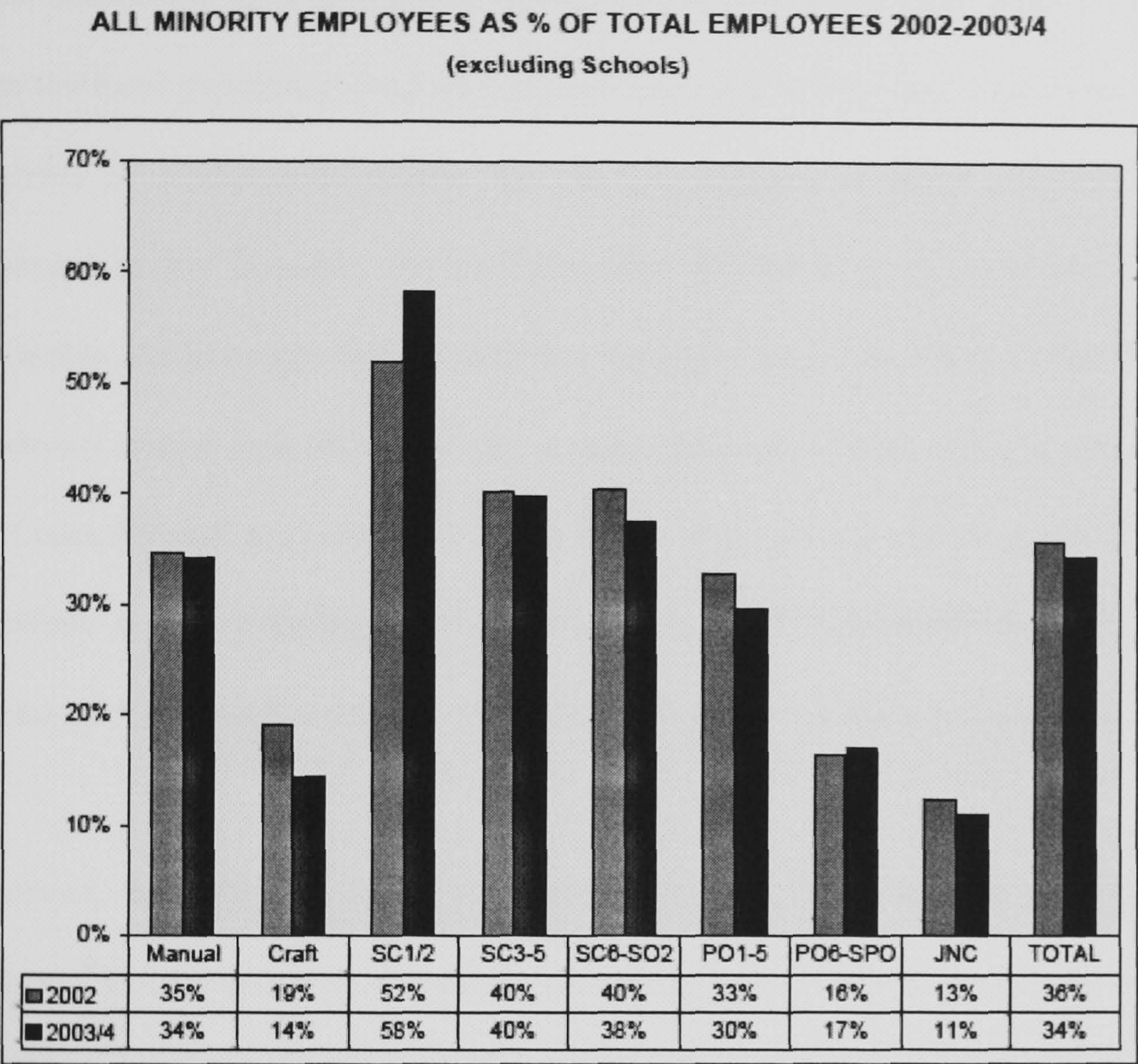
Table 9.2
Local Authority B

Ethnic Origin and Grade						
	Asian	Black	Mixed	Not Stated	Other	White
Building Workers	0	23	0	0	2	113
		17%	-	-	1%	82%
Grades 1-5	57	672	28	83	46	768
	3%	41%	2%	5%	3%	46%
Grades 6-8	46	531	17	16	49	624
	4%	41%	1%	1%	4%	49%
Residential Care Staff	1	60	1	-	5	33
	1%	60%	1%	-	5%	33%
Grades 11-13	17	131	5	2	13	416
	3%	22%	1%	-	2%	71%
JNC	6	19	1	-	8	145
	3%	11%	1%	-	4%	81%
TOTAL	168	1907	62	107	178	2746
	3%	37%	1%	2%	3%	53%

Source: Council’s Data

Over one-quarter of the population in Borough B are of African Caribbean origin (25.90%) and a combined ethnic minority population of 36.99% (Census 2001).

Chart E
Local Authority C



Source: Council Data

In Borough C the ethnic minority population amounts to 34.07%, with 23.41% of the population being from the African/Caribbean and mixed African/Caribbean group (Census, 2001).

Employment Pool

Local authorities tend to draw a significant proportion of their employees from the local population pool and this is borne out by the tables above, both in terms of where staff resides and the percentage of ethnic minorities employed by the Council. For example, 56% of staff in Local Authority C live within the borough, 39% in adjacent boroughs and only 5% live outside London (Council data, 2003) and this is reflected in numerical terms, as far as the Council's staff are concerned. 34% of the Borough's population is from an ethnic minority background (Council data, 2003) and more than one-quarter of the Council's employees are from an ethnic minority background.

However, in terms of ethnic minorities, representation in the grading structure, Local Authority A appears quite progressive. The Borough has an ethnic minority population of just under 30% (Census 2001) and the Council's total ethnic minority staff stands at 23%. Sixteen per cent of the top grades from PO4 to Chief Officer comprise black groups, that is, Africans and Afro-Caribbeans (Council data). This is not to suggest that this is ideal, if proportionality is taken into account, since the vast majority of the council's ethnic minority employees are concentrated in the lower grades (Council data).

Table 9.3
Local Authority B

Ethnic Group	Percentage
Asian/Asian British/Asian Other	4
African	11
Afro Caribbean	10
Black British/Black Other	17
Other	8
White Irish	3
White United Kingdom	47

Source: The Council’s data

While in Local Authority B the Borough’s ethnic minority population is 33% (inclusive of all Asian groups but excluding Irish, Greek, Turkish, etc) (Census 2001) yet the percentage of ethnic minorities in the top grades is 6.5% from a workforce constituting 42% ethnic minority staff (Council data) far in excess of their representation within the population of the Borough. In Local authority C the Borough’s ethnic minority population amounts to just over 34% (Census 2001), and have 30.3% of their staff from ethnic minority backgrounds, but here the percentage of all ethnic minorities in the PO grades and above amount to 26.5% (Chart B above). For Council employees of all ethnicity, the percentage for those grades is 33% (Council Data).

Of the Civil Service ethnic minority participants 43.8% (excluding Asians) were at the bottom of the grading structure, 3.1% being AA and 25% at AO grade. The total at HEO to Grade 7 level amounts to 6.3% (Chapter 7: Table 7.8).

Where LA employees showed a difference in respect of grade it is at the management level. LA employees at all levels of PO grade stood at 20.9%, while Civil Service employees at equivalent grade – roughly SEO - was 6.3%.

Appraisal, Reporting and Promotion

The reporting and assessment system is where the ethnic minority is most vulnerable and in my study employees from all participating organisations were asked about the reporting and promotion processes in their individual organisation and their views and perceptions of the operation of equal opportunity policies.

Crawford's Inquiry found that there was no appraisal system in place until 1992 and that what existed thereafter was not carried out consistently or effectively, thus ethnic minorities had no management guidance by which they could improve their performance (Crawford Report, 1997:93). In my study there is some semblance of an appraisal system in the LAs under consideration, but the evidence is that it was not structured or consistent.

The 1999 Schneider-Ross study examined similar issues in the Civil Service but focused on the position of those in the top 4 grades of the service rather than the entire grading structure and were concerned not only with the position of ethnic minorities but women and the disabled. However, the issue of promotion and development processes seems to have produced

similar views along racial lines where white employees appear to usually have a positive perception when the reverse is the case with ethnic minorities.

Table 9.4

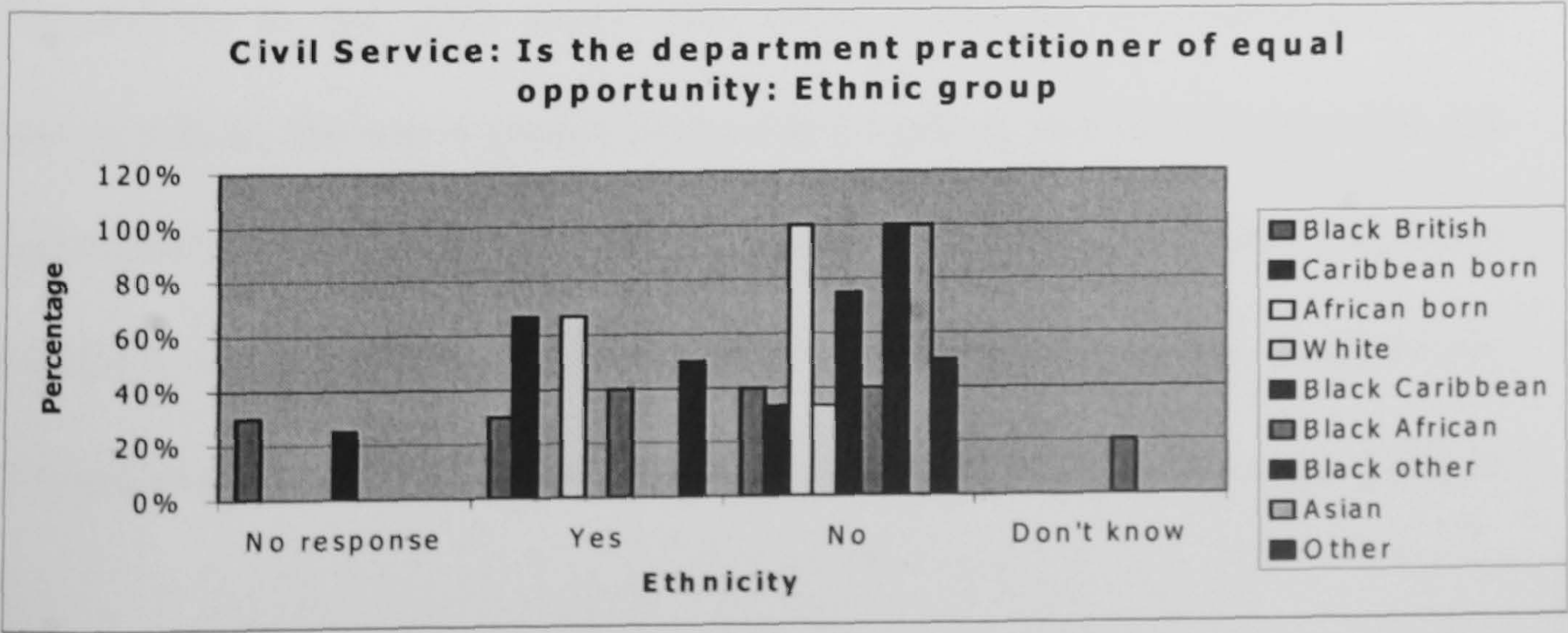
Overall Perceptions of Equal Opportunities

Question	White Men (%)	Women (%)	Ethnic Minorities (%)	People with Disabilities (%)
On the whole, the civil service is a good employer	79.4	83.3	68.5	75.0
I consider the Civil Service to be an equal opportunities employer	84.6	69.8	55.9	67.4
Overall I think the Civil Service is an organisation which takes equal opportunities seriously	79.2	67.1	48.8	66.7

Source: Succeeding in the Civil Service – a question of culture: Research into the under-representation of women, ethnic minorities and people with disabilities in the Senior Civil Service, Schneider-Ross, 1999

When asked in that study about their perception of equal opportunities in the Civil Service, of those surveyed 84.6% of white male gave a favourable response against 69.8% for females, 67.4% of those with disabilities and 55.9% of ethnic minorities said they considered the Civil Service to be an equal opportunities employer.

Chart F



In my study more than half gave a negative response, with 33% seeing it positively; however, ethnically it is the reverse of the 1999 study. Here 66.7% for whites and 25.1% for all ethnic minority groups when responding to a similar, though different question – “Is the department a practitioner of equal opportunities?” – See Chart A, Chapter 7.

Although the questions are similar they are not identical or do they necessarily carry the same meaning for everyone and could therefore be subject to different interpretations. It could be argued that when answering such a question without deliberation it would not be unreasonable to view it from a recruitment perspective. However, it is not the case that because an organisation is said to be an “equal opportunity employer” that such an organisation practices equality in its policies and procedures.

That is not to suggest that the respondents in this study were particularly sophisticated in answering the questions posed. But it is a fact that people instinctively respond to certain type of questions from their own position before viewing it from others’ perspective, except possibly when asked directly to consider it in a specified way. Given that the majority of respondents in the 1999 study were white male and the majority of that group, that is, the top 4 grades of the Civil Service, was also white male, the high satisfaction rating from that group should not be wholly surprising. Similarly, since the majority of participants in this study are from ethnic minorities and the majority being of Afro-Caribbean origin, it is reasonable to

assume that their responses could have been a reflection of what they would regard as their disadvantageous position in the workplace. The tables below show the Civil Service staff composition at the time during which the Schneider-Ross study was carried out and published.

Table 9.5

STAFF BY RESPONSIBILITY LEVEL 1998 (NON-INDUSTRIAL STAFF)									
	Men	Women	Total	Men	Women	Total	Men	Women	Total
	(Number)			(% of level)			(% of sex)		
SCS level	3,139	617	3,756	83.6	16.4	100.0	1.4	0.3	0.8
<i>Of which SCS only</i>	2,445	528	2,973	82.2	17.8	100.0	1.1	0.2	0.7
Grade 6	4,065	822	4,887	83.2	16.8	100.0	1.8	0.4	1.1
Grade 7	12,713	3,963	16,676	76.2	23.8	100.0	5.8	1.7	3.7
SEO	17,683	4,279	21,962	80.5	19.5	100.0	8.0	1.9	4.9
HEO	34,230	14,970	49,200	69.6	30.4	100.0	15.5	6.5	10.9
EO	56,906	52,241	109,147	52.1	47.9	100.0	25.8	22.7	24.2
AO	65,930	108,029	173,959	37.9	62.1	100.0	29.9	46.9	38.6
AA	25,754	45,597	71,351	36.1	63.9	100.0	11.7	19.8	15.8
Total	220,420	230,518	450,938	48.9	51.1		100.0	100.0	100.0

Source: Civil Service Data Summary 1998

Table 9.6

Ethnic Origin of Staff by Responsibility – 1 April 1999

Non-Industrial staff	Ethnic minority staff	White staff	Others*	Total	Ethnic Minority as % of known ethnic origin
SCS level	55	3,176	371	3,602	1.7
Grade 6/7	529	19,071	2,516	22,116	2.7
SEO/HEO	1,718	59,890	12,607	74,215	2.8
EO	4,147	80,938	22,374	107,459	4.9
AO/AA	13,884	181,781	46,373	242,038	7.1
Unknown	31	339	13	383	8.4
All Non-industrial Staff	20,364	345,195	84,254	449,813	5.6
All Industrial staff	20,9	20,997	9,974	31,180	1.0
All staff	20,573	366,192	94,228	380,993	5.3

Source: Cabinet Office Mandate and Departmental Returns

* Those staff who have not completed a survey

The Schneider-Ross study attributes under-representation to the Civil Service culture -

"...the main barrier is perceived to be deeply embedded culture, which has the impact of excluding those who are different. In the main, this is not a question of overt discrimination; it is an altogether more subtle... process." (1999)

My study found that although an exclusionary atmosphere exists because of difference, it is not pervasive to the extent that it could be described as a culture. One of the main barriers found here to the proportional representation of ethnic minorities is the subtle manipulation of the processes that are meant to work towards addressing under-representation, through the reporting and appraisal systems and positive action measures.

Published statistics from another government department during the period of the study under consideration show that ethnic minorities were being disadvantaged in the area of career progression, through their appraisal system. There were significant differences between the markings of ethnic minority staff compared to that of white staff, with white staff generally doing better. Yet the government minister responsible for one department at the time did not regard it as an issue that warranted investigation, stating that

“The department reviewed its systems when similar effects were seen last year and the system was considered by independent consultants to be fair.” (The Independent, 21 December 1999).

In “*Equality Proofing in Performance Review in the Civil Service*”, there was little evidence that the reporting system was at fault. However, one explanation offered for the lower distributions of box markings for ethnic minorities is the perceptions by managers of the performance of ethnic minority staff. It further suggests that observed differences may be due to a number of other factors such as access to training and development opportunities and the

possibility that minority groups may perceive themselves to be less valued by the organisation and that this may affect their performance (2000).

Employers are urged to adopt equal opportunity policies for a variety of reasons but usually for legal ones. However, government departments as employers have a greater responsibility to adhere to the provisions of Sections 37 and 38 of the Race Relations Act 1976, since politicians, who inhabit the legislative branch of the state, are the originators of laws. They therefore have an obligation not only to operate to the letter of the law they created but also act within the spirit of the law. Although it is not illegal to have an appraisal system in place that works to the disadvantage of ethnic minority employees, a skewed system frustrates the aims of the legislation in pursuing equality of opportunity thus it should be incumbent upon public sector employers to work towards eliminating obstacles to those goals.

Training & Development

Training enables development, development improves performance, performance determines promotability, promotion impacts the grading structure and the employee's place within it. The higher ones position within the grading structure the greater the financial rewards, which in turn impacts economic well being and social strata. Positive action is a determinant of all of the above and should be central to any equal opportunity policy that aims to achieve upward social mobility, as discussed in Chapter 4.

Local Authority A said that they had taken positive action measures to increase the representation of ethnic minority staff but their published documents do not show what these measures entailed (Race Equality Scheme, 2002).

Local Authority B's Equalities Action Plan aimed to ensure compliance with various equality legislation by implementing initiatives to improve the Council's record on gender and race. This would include secondment postings for ethnic minority staff, but there was no indication of how this would be operated or explicitly set out (Equalities Action Plan, 2003). Indeed, none of the data correlated that aspiration.

During the same period, Local Authority C's Equality and Diversity Plan stated aim was to review employees' work and performance, with the object of development where needed (Equality and Diversity Plan, 2003). Whether or not development was to ensure that employees operated effectively in their existing roles, was equally vague as that of Local Authority B, whose reference to "*an equitable opportunity of undertaking learning and development activity*" could be interpreted as a positive action initiative; however, this is an assumption as it did not clearly state that to be the case (Equalities Action Plan, 2003).

Nevertheless, the evidence here suggests that where positive action policies were in place, those were not carried out in accordance with Section 38 of the

Race Relations Act 1976, particularly in the provision and allocation of training, the type of training that would be appropriate in meeting individual needs. The knock-on effects, therefore, are reflected in where ethnic minorities sit in terms of grade, regardless of their efforts at self-improvement.

There was insufficient detail in these Action Plans for any to be treated, in whole or in part, as a strategic positive action programme. Taking the narrative, qualitative and numerical data, I am of the view that the development and implementation of the diversity concept is a contributing, restraining factor as diversity does not lend itself to addressing racial disadvantage on a group basis.

DIVERSITY AND RACIAL EQUALITY

Diversity adds another dimension to equal opportunities. The term encompasses all types of differences beyond those covered by legislation and focuses mainly on the needs of the individual. Therefore, the diversity concept, which has its origin in the United States in the late 1980s, brings a new set of assumptions that lie uncomfortably on top of equal employment opportunity and affirmative action/positive action debates. To most people, the word “diversity”, when used in the context of the workplace in western multicultural societies, carries the subtext of race relations policies (as was discovered in my study). However, this is not necessarily the case since the

key assumption underlying diversity is that all individuals are unique, which contrasts starkly with equal employment policies (Yakura, 1996:42) particularly with regard to race, when set against the fact that racial discrimination occurs on a group rather than individual basis.

There seems to be two potentially competing solutions to the problem: one focuses on equal opportunities, the other on the management of diversity. Underpinning these are two different rationales: the need for social justice (the moral case) or the needs of the organisation (the business case) (Pilkington, 2001:2). Traditionally, equal opportunity policies have been advocated on the moral case basis within two strands: the “liberal tradition” and the “radical tradition”. It could be argued that the liberal approach is that which has operated in the UK, while the latter in the form of affirmative action is associated with the United States. Kaler (2001) argues that in arriving at a clear understanding of the diversity approach it is necessary to determine its relationship to the concept of equal opportunity. What is unclear is whether they are two entirely separate approaches to employee management or whether diversity is offering a new and potentially more successful way of achieving the moral objectives of equal opportunity. Kaler sees diversity as having little to offer in the fulfilment of those specifically moral ends which is definitive of equal opportunity (51-58).

One perspective is that diversity has very little to do with race and much to do with capitalism (Kossek and Lobel: 1996) or the business imperative

(Schneider-Ross, 2002). The business case for equal opportunities was promoted in response to the individualistic values and right-wing economic philosophies of the 1980s (Richards, 2001:15). With its emphasis on valuing individuals, managing diversity does not seek to engineer employment outcomes in the way that affirmative action does and one view holds that it has been devised to co-opt White males (Yakura, 1996:43). Within a free market philosophy, policies based on the neutral individual are seen as the most efficient means of achieving a fair distribution of resources in the workplace. This has grounding in the theories of free market competition and thus refers back to neo-classical explanations of occupational segregation. Within this view discrimination is not an inherent or intrinsic feature of the capitalist labour market, but is a distortion of an otherwise rational market (Kirton and Green, 2000:101). It is not unreasonable to argue that diversity, or the acceptance of its core principles, is a response in appeasement by progressives in the United States to the opponents of affirmative action, who have argued ceaselessly that affirmation action distorts the marketplace (see Belz: 1994).

In the UK, the managing diversity approach emanates from the widespread perceived need to anchor equality objectives to broad business and organisation objectives (Kirton & Greene, 2000:6). This is partly the official perspective being advanced in the UK public services at least, with one government department having warned against the tendency to equate diversity with race, especially in rural areas with smaller numbers of people

from visible minority ethnic groups (Office of Deputy Prime Minister, 2002:5).

Civil Service

Like most equality initiatives born in the US, over time managing diversity arrived in the UK and have been embraced as a tool intrinsic to modern Human Resource policies. One of its most prominent homes is in the Home Civil Service (Modernising Government White Paper: 1999). This embrace necessarily carries modification, since the public services in the UK operate within a strict legal framework. Unlike private organisations, which can do anything that the law does not proscribe, public ones can only do what the law permits. The legal rule of ultra vires means that public officials must be able to demonstrate the legality of their actions and decisions to the community (Farnham and Horton, 1996:9).

The government-endorsed diversity agenda set targets for addressing the under-representation of women, ethnic minorities and the disabled in the senior civil service. This was to be driven by a change of culture in the service as a whole and the Home Office, Inland Revenue and Customs and Excise conducted pilot exercises into the best way of bringing this about (Cabinet Office, 1999).

Following the publication of the Modernising Government White Paper, which is seen as a social as well as a political agenda, the Civil Service Management Committee (CSMC) set about its task by first creating a number of sub-committees to flesh out the details of the main aspirations of the document. This body is effectively the Civil Service Board, which comprises all heads of departments (usually 24) and report to the Cabinet Secretary and, through him, to the Prime Minister.

In a message sent to all within the Civil Service, one of the CSMC's stated aim was for the Civil Service and all its organisations to "draw their talents from the whole of society, reflecting its diversity and skills" (4 October 1999).

Seeing this as a political and ideological strategy, David Goodhart suggests that diversity is the "Left's" response to the end of socialism (*The Guardian*, 19 February 2004), therefore the current programme of action on diversity has to be set in the context of the legacy of earlier policy initiatives. Such analysis needs to be understood in the context of broader political, ideological and social shifts. For example, there has been a distinctive change in the level of political leverage for diversity issues within the UK public service as envisaged by the Prime Minister's public support for diversity matters and the increase in allocation of resources for diversity programmes. Despite the political support, though, the diversity agenda is struggling to get secure footing, with its ambiguities and contradictions (Auluck, 2001:59).

In discussing the Civil Service case for pursuing this policy, the then Chair of the Civil Service Management Committee's Group on Diversity, said that

"... Our remit was to look at how best to create a Civil Service which embraces fairness and diversity, with particular regard to the under-representation at more senior levels of ethnic minorities, women and disabled people. We had a clear view of the strategic position we wanted the Service to be in in the long term. Looking beyond specific equal opportunities initiatives, we want a Service which genuinely values and makes best use of diversity in the widest sense.... At one extreme people think it is no more than the modish late-1990s terms of equal opportunities: at another they believe that it is somehow opposed to equal opportunities. Neither position could be further from the truth..." (Nick Montagu, 1999).

There are obvious contradictions in that statement. Equal opportunities in the widely understood sense is synonymous with race and sex and address such issues on a group basis. Diversity focuses on the individual. Shifting the focus from groups to individuals might, in theory, produce the result both policies desire. However, the reality of ethnic minorities' position in the grading structure of the Civil Service means that the way diversity operates, any proportional, or significantly increased, representation of ethnic minorities in the SCS, would be a "long term marathon" (Department for Transport Guidelines, 2004) and on that basis could only be realised within a generation, but this is incompatible with the aims of the 1999 White Paper, with its 5-year targets of 35% of women, 3% of people who are disabled and 3.2% of ethnic minorities reaching the SCS by 2005.

Taken together, the quantitative and qualitative data from my study suggest that ethnic minority members of the Civil Service are promoted on average

every 7-10 years. How, therefore, in the normal run of this “promotional cycle” is the ethnic minority target to be achieved?

In 1996 75% of ethnic minority staff in one government department were within the lowest Band in the grading structure, with only 1% at Grade 7 and above – Grade 7 being middle rank and one grade away from the SCS (The Department’s Newsletter, 1996).

There has been improvement in those figures since then, as can be seen from the tables immediately below. In 2000 the proportion of ethnic minority staff in the two lowest grades in that department was reduced to 70.7%, while the 2002 figures show this has been reduced further to 67.1%. But it is questionable as to how much of this reduction owes anything – directly or indirectly to the implementation of diversity policies since it became departmental policy in 1999.

Table 9.7: April 2000

Grades	Numbers and Percentages			
	White		Ethnic Minority	
SCS	238	98.3%	4	1.7%
Grade 7	2593	98.8%	35	1.2%
Faststream	48	94.1%	3	5.9%
SEO	1929	97.3%	54	2.7%
HEO	5650	95%	237	4%
EO	13338	94.6%	767	5.4%
AO	21020	93.1%	1566	6.9%
AA	10800	90.7%	1101	9.3%
Total*	55616	93.7%	3767	6.3%

Table 9.8: February 2002

Grades	Numbers and Percentages			
	White		Ethnic Minority	
SCS	249	98.0%	5	2.0%
Grade 7	2596	98.35%	42	1.65%
Faststream	40	87.0%	6	13.0%
SEO	2156	96.9%	68	3.1%
HEO	6066	95.7%	272	4.3%
EO	13453	94.4 %	796	5.6%
AO	21363	93.5%	1495	6.5%
AA	10814	92.1%	924	7.9%
Total*	56737	90.03%	3608	6.0%

* People who have not declared their ethnic origin are not recorded in the totals above

* In Table 9.7 that amounts to 14.6% of staff (10,312)

Source: Internal data

Officially, each government department should have an equal opportunity policy in place, to run alongside diversity. Yet in the organisations that have taken part in this study, there was no positive action training for Black and Asian staff, specifically designed and tailored to meet the career development needs of those staff along the lines of, say, “Personal Development for Women”, which was a programme specifically aimed at addressing the under-representation of women in senior grades in one Department.

In 2000 such a programme was conceived in the department with the intention of focusing on ethnic minority staff, but once it moved beyond the design stage it became something far removed from the original objective. The HR Section decided that it should fall under diversity and as a consequence it was watered down to the extent that ethnic minority career development issues were subsumed beneath all others. It was devised as a Section 38 positive action policy, to be targeted at ethnic minorities, yet it was promoted as being open to everyone, and on close examination ethnic

minorities realised that the programme was stretched to cater for everyone in the hope that it will catch a few of them.

This particular initiative did not live up to promise and during discussions between the HR, ethnic minority representatives and TUS regarding the extensive changes in its content and potential participants, they frankly admitted that the decision to widen the participation base was to avoid a backlash from white staff. Bringing diverse groups together affords many opportunities and benefits in terms of the people they would meet, who they might not otherwise encounter in the normal working contexts. People will learn about perspectives and difficulties and concerns they might not otherwise appreciate or be aware of through these relationships.

However, that is not a reason to pursue equality policies which do not include positive action initiatives or take account of race. Positive action is a legal requirement to aid the personal and career development of under-represented employees, but the preoccupation with diversity means that this has been sidelined and a number of programmes are being devised which, on the one hand lack depth and do not benefit or meet the needs of anyone, while on the other the substantial beneficiaries turn out to be the majority, who do not need this particular tool.

One department introduced a new reporting system in the mid-1990s and a new system of advancement put in place in 1998. For advancement, although

managers had to consider the overall suitability of staff under their supervision for promotion, in strictness, they had no “veto” on the application process. Therefore it was much more difficult for people to be turned down when they put themselves forward for promotion, as the new system was competence-based and not dependent on “performance markings”, diminishing the influence and subjective input of the manager. Performance markings were actually abolished under the evaluation system of Performance Management. When an applicant put himself/herself up for advancement by submitting an application for an advertised post, they had to state what they had done with regard to each competence, how they did it and the outcome.

This meant an application was based on facts – that is, specific tasks undertaken and successfully carried out. If managers could not challenge those facts and present evidence to the contrary, then they had no choice but to support the application since it was by and large a verification exercise, confirming that the applicant’s evidence was truthful and that the manager was aware of these facts, thus the suitability test for promotion would have been met.

There was an “Anonymous Sift” process involved in the selection process, where the personal details of the candidates were separated from the main application forms, before selecting the candidates for interview. Therefore, the sifters were unaware of the candidate’s identity, such as “foreign” names,

age or office location. This was a system that, on the face of it, was fairer than what had gone on before, since the applicant was being judged on the basis of capability as presented through the competencies required for a particular post.

Although there has not been any departmental view on this, it is instructive that the significant part of the improvement in the position of ethnic minorities in the department occurred during the period when this system was in operation. Needless to say, there has been a roll-back of this system and a new system was introduced in early 2003 to reinstate managerial judgment.

Recent statistics do not show a very encouraging picture at the higher levels of the department for ethnic minorities. The most recent figures show only 1 ethnic minority was recruited at Faststream and above in the year ending 31 March 2003. One reason for this could be that not all new recruits completed the relevant forms during the period in question. But since this is part of the diversity process of “bringing on talent” it would be almost compulsory for the entrants to provide these data, therefore non-completion can be discounted as a reason for those figures as that would be minimal, if at all. The other option is that this is a correct reflection of the present situation, which would put the set targets way out of line when one looks at the feeder grades for the SCS, bearing in mind that at the SCS level at 1 April

2004 there were only 5 of the 568⁵ SCS members in this department who were ethnic minorities.

Table 9.9
Staff in Post: 1April 2004

Pay Band	Total*	White		Ethnic Minority	
SCS	187	182	97.3%	5	2.7%
Grade 7	1875	1818	96.9%	57	3.1%
Faststream	56	49	87.5%	7	12.5%
SEO	1,542	1,490	96.6%	52	3.4%
HEO	4,434	4,208	94.9%	226	5.1%
EO	10,082	9,404	93.3%	678	6.7%
AO	16,759	15,451	92.2%	1,308	7.8%
AA	8,225	7,462	90.7%	763	9.3%
Total	43,160	40,064	92.8%	3,096	7.2%

*Only people who have declared their ethnic origin are recorded in the totals above. This is in line with Government-wide reporting to Cabinet Office.

Here the ethnic minorities at SCS level amount to 2.7% of the published figures but given that it is overwhelmingly white people who do not declare their ethnicity, the figure in this instance is actually 0.8%.

Table 9.10

NON-INDUSTRIAL AND INDUSTRIAL STAFF								HEAD COUNT	
1 APRIL 2003	WHITE	ASIAN	BLACK	CHINESE	MIXED	OTHER ETHNIC MINORITY	NON RESPONSE	ALL STAFF	ETHNIC MINORITY AS PERCENTAGE OF KNOWN ETHNIC ORIGIN
Non-industrial staff									
SCS Level	3,160	40	10	..	20	20	1,020	4,260	2.8
Grades 6/7	16,500	320	120	40	150	130	6,290	23,550	4.4
SEO/HEO level	58,880	1,440	1,040	100	540	450	24,480	86,930	5.7
EO level	78,760	3,210	2,520	190	750	660	45,960	132,040	8.5
AO/AA level	148,800	7,730	5,030	390	1,690	1,250	95,410	260,290	9.8
Unknown	6,800	50	40	10	30	40	7,220	14,200	2.5
All non-industrial staff	312,880	12,790	8,760	730	3,180	2,540	180,380	521,260	8.2
All industrial staff	11,900	50	90	10	80	80	9,300	21,510	2.6
All staff	324,770	12,840	8,850	740	3,270	2,630	189,680	542,770	8.0

Source: Cabinet Office Mandate and Departmental Returns

⁵ 568 is the unpublished number where all ethnic backgrounds are known

If the same principle is applied to the “Non-response” figure in Table 9.10 then the overall Civil Service representation of ethnic minorities in the SCS would be significantly less than 2.8%.

Prior to the publication of the Modernising Government White Paper in 1999, one department’s equal opportunities policies referred to positive action programmes that were within equal opportunity legislation. These were inclusive of Cabinet Office-led programmes, as stated in the Civil Service Unions/Cabinet Office Charter for Action to Redress Under-Representation of ethnic minorities in the Senior Civil Service, but there were others that were departmental initiatives. The programme was intended as a way of achieving the objective of increasing ethnic minority representation in the higher grades, and consisted of elements of shadowing, mentoring and specific developmental training but it did not take account of the majority of ethnic minorities in the department.

Although the aim was to increase the department’s ethnic minorities at senior levels, it was also open to women as an “under-represented” group, in accordance with Section 47 of the Sex Discrimination Act 1975 and Section 38 of the Race Relations Act 1976. To qualify for participation an officer had to be in the EO grade or above. But the position of most ethnic minority employees, located as they did (and still do) in the bottom grades, meant that they were excluded from a programme that was meant to aid their representation into the higher grades.

The explanation for eligibility was that ethnic minorities were more than represented in the bottom grades therefore the focus was on the grades above. However, the exclusion of people in the two bottom grades effectively meant that there were not many candidates from ethnic minorities eligible for taking part in the initiative and thus the beneficiaries were white women. Similarly, the eligibility criteria for the Pathway programme was such that it benefited few ethnic minority civil servants. Most departments had no ethnic minority staff that participated in that programme.

Diversity Initiatives

My study has shown that diversity means different things to different people. In the department where people were surveyed on the single issue of diversity, all participants were ethnic minorities – the majority being Afro-Caribbean – all have heard of diversity and have been on compulsory diversity training but only 30% could list more than one diversity initiative and 5% said they have benefited.

Therefore, it could be argued that, from an operational and delivery viewpoint, diversity, as it is espoused in the Civil Service, is in opposition to racial equal opportunities. If one takes the view that it is complementary to racial equality, then that could only be the case if racial equality were deemed to have been a success and served as a precursor to diversity.

In addition to the contradictions and ambiguities mentioned above, it could be further argued that the diversity concept when used as the only equal opportunity tool, conflicts with UK law, a point that needs critical examination. The argument often put forward in support of positive action is that it helps disadvantaged groups by enabling them to compete effectively with others in an organisation. But according to Kandola & Fullerton, if managing diversity is truly about creating an environment where everyone feels valued and their talents are being fully utilised, then action ought to be targeted on an individual who has a particular developmental need and not restricted to individuals who are members of particular groups (131:1994). Government departments' guidelines on diversity are in line with this view -

"Diversity differs from equal opportunities because diversity is about individuals whereas equal opportunities is more about groups of people" (Inland Revenue);

"Equal Opportunities focuses on specific minority groups i.e. women, minority ethnic groups and people with disabilities... Its aim is to remove barriers that exist for people in the above groups. By contrast, diversity starts from the assumption that the focus should be on the workforce as a whole and what it can contribute, rather than on the removal of obstacles for specific sections of the workforce".... (Department for Transport).

Therefore, if diversity is focused on the individual, then there is no place within diversity for a key aspect of UK legislation – Sections 37 and 38 of the Race Relations Act 1976 - although this view depends on the interpretation placed upon the Act. This is not to say that failure to formulate or operate positive action policies is illegal; however, the question thus arises as to

whether or not the neglect of positive action on a group basis is within the spirit of the legislation.

This point was discussed with some of the Civil Service Diversity Champions (SCSs) during the course of this study and one readily conceded *“that this is the problem with diversity; it has come too early”*; however, the argument has been advanced that diversity is meant to complement equal opportunity and therefore forms a twin-track approach to achieving equality of opportunity. However, there does not exist anywhere in policy documents, plans or policies to show how this two-pronged strategy is supposed to operate in practice.

In terms of achieving the 35% target for female representation in the SCS, that should be achievable, since the feeder grades, that is, middle and senior management, already have an adequate pool of female employees to tap into. For the disabled, the majority of whom are white male, there might be some difficulty in meeting the set target mainly because most disabled people work part time and part timers are less likely to be as ambitious as full time employees and therefore insufficient in the feeder grades. On the face of it, for ethnic minorities the attainment should prove most challenging when the composition of the middle and senior management grades are looked at. They are almost devoid of potential candidates but paradoxically, this absence makes it easier for the target to be reached in percentage terms. Where, for example, a department has, say, two of its ethnic minorities employees at SCS

level and if there should be an increase of one additional ethnic minority person to that rank the department would register a 50% increase.

The strategy therefore is external recruitment, usually on secondment, coincidentally from LAs, who had nurtured ethnic minority talents during the 1980s, directly into the SCS for the purpose of meeting this particular target. In these circumstances, success is highly likely since, as already pointed out, a minimal number will translate into a significant percentage figure, due to the absence of ethnic minorities in the top grade in the first place.

The net result of this are disenchanted, talented ethnic minority civil servants who view this policy as an arbitrarily set target for political purposes, rather than a policy to seriously address the underlying causes of indirect discrimination within the Service.

Conclusion

In this chapter I have elaborated on some of the key findings set out in Chapters 7 and 8 such as the position of ethnic minorities in the grading structures of the respective organisations, their reporting and appraisal systems and training and development policies. These inter-related issues were discussed, highlighting flaws in the reporting and appraisal systems and the lack of comprehensive positive action programmes and initiatives.

I have shown that diversity as an equal opportunity tool, has disguised what is in effect the absence of equal opportunity policies operated under Sections 37 and 38 of the Race Relations Act 1976.

This is because at its core diversity was conceived and is meant to operate as a business imperative that is market-orientated and it is therefore targeted at the individual and his/her developmental needs, without regard to race. Since racial discrimination takes place on a group basis, and the legislative provisions for positive action is on a group basis, it is unsuited for operation in a public sector that has a legal obligation to uphold Section 38 of the Race Relations Act 1976.

This is not to suggest that there is no validity in the diversity concept; diversity plays a part in advancing interpersonal relationships and equality generally in the workplace but as the only equal opportunity tool, as is presently the case in the Civil Service, and increasingly local government, it is acting as a restraint on improving the job position of racial minorities.

Chapter 10 will present the conclusions of this thesis.

CHAPTER 10

CONCLUSIONS

This final chapter will summarise the theoretical and empirical discussions presented in the previous chapters. It will also consider the evidence that has emerged in relation to the specific research questions that were outlined in Chapter 1 and look at the implications of this evidence for future policy development.

The central concern of this study was set out in Chapter 1. My principal aim is first to show that policies to encourage the career advancement of ethnic minority employees within the public sector have been in retreat, when set against the equal opportunity initiatives of the 1980s, mainly due to the absence of positive action policies as provided for in Sections 37 and 38 of the Race Relations Act 1976. Secondly, the inherent defects in processes and procedures of the reporting and appraisal systems in the public sector produce discriminatory results. Thirdly, the negative effects of the first and second theoretical arguments are compounded by the introduction of the diversity concept as an equal opportunity tool. When used as the only equal opportunity tool, diversity acts as barrier to the application of Sections 37 and 38 of the Race Relations Act 1976.

In Chapter 1 I discussed different concepts of race, and for comparative purposes, highlighted the difference in the European and American

perspectives. One distinctive feature of American race relations is that up until the passage of the Civil Rights Act of 1964 it was governed by the philosophies of slavery and I suggested that although racism in the US might have been conducted through the prism of biology throughout slavery, in order to justify the practice, it was based on the maintenance of power and privilege, which was manifested forcefully in the labour market. The operation of the labour market and the position of blacks within it, excluded them from the possibility of upward social mobility. In the UK and Europe, biological considerations might have been of less significance than in the US, since the resentment towards black people here was primarily based on competition in the job market, triggered by immigration. Nonetheless, power and privilege played their part in institutionalising racism.

An understanding of how racism is constructed to suit the contours of social environments, provided the base from which to examine the resentment to the immigrants' presence in Chapter 2, where I compared the difference in discriminatory patterns between the US and UK and showed that racially exclusionary policies were state-sanctioned, in the case of the US, by way of enshrinement in the Constitutions of several Southern States in the Union, while in the UK socially constructed racialised practices gained official acquiescence.

Chapter 3 continued the theme on racial discrimination, where I advanced some of the related theoretical issues on the acquisition of human capital and

equality, exploring ways in which race and racism in the job market have been addressed in western democratic countries with sizeable ethnic minority citizens. Scholars, social theorists and social practitioners hold a variety of views on these issues, yet there have been convergence in these schools of thought and together with Chapter 4, where rights and freedom have been explored as fundamental values to be considered when formulating social policies, I have shown that governments have a moral responsibility for historical racial discrimination in the public realm and later illustrated that political ideology and constitutional provisions can and do act as constraints in the advancement of racial equality.

In Chapter 5 I have highlighted the fact that although amended Article 13 of the Treaty of Amsterdam (1997) resulted in the provision of minimum standard of legal protection against racism at a supranational level, enforcement rests with national governments. In view of the debate on how co-ordinated policies could emerge across the EU, Chapter 3 also looked at France's adherence to their constitution which has restricted the granting of group rights; EU recommendations and directives on racial equality are meant to apply on a group basis, given that racial discrimination is usually carried out on a group rather than individual basis. But political ideologies also serve as an inhibitor: there is an unmistakable trend across Europe, including several EU member states, with mainstream centrist parties espousing essentially racist ideologies, to counter the rise of Far Right populist movements.

The discussion in Chapter 5 charted the development of equal opportunity policies through a series of legislative provisions and accompanying political debates and looked at progress that has been made through those processes.

However, in seeking to explore current equal opportunity policies and practices in the public sector, the discussion in Chapter 4 showed that, taken together with the analyses of Labour Force Survey data, there are existing researches, which support the theoretical arguments put forward in Chapter 1. This helped to establish the design of the methodology of the study and informed the selection of Quantitative and Qualitative methods in Chapter 6, which allowed for qualitative accounts to flesh-out descriptions provided by the questionnaires.

Chapters 7, 8 and 9, presented the empirical data that explored the research questions posed in Chapter 1, to show whether the disproportionate representation of Afro-Caribbean employees at the bottom of the grading structure in the public sector is due to indirect discrimination, which is brought about by a combination of inter-related issues.

Policy Outcomes and Constraints

The results of this study have shown that the operation of equal opportunity in the sphere of employment should not be based solely on recruitment

policy but rather be a multi-dimensional, end to end process. In terms of the career progression of Afro Caribbean employees, this study confirms the findings in other public sector studies (see Crawford, 1998; Denman, 2001 and Schneider-Ross, 2000) that they are overwhelmingly represented at the lower end of the grading structure. Here it has been found that half of all respondents were at Grade AO level, one grade above the first rung of the grading structure. There is evidence in the study to support the conclusion that implementation of positive action policies, where it does occur, is not within the strict interpretation of the provisions of the Race Relations Act 1976. However, compared with the Civil Service, Local Authority employees have a higher regard for their employer as a practitioner of equal opportunity.

In looking at the reporting and appraisal systems, the study finds that there is no uniformity or consistency in either Central or Local Government; all systems rely heavily on the subjectivity of reporting officials, and there is evidence that this contributes to the position of ethnic minorities in the grading structure, which has been noted elsewhere (*The Independent*, 21 December 1999). However, the evidence does not point to direct discrimination as a cause and, based on the findings on personal experience of racism, this is expected.

The findings have also shown that most participants in this study are academically over-qualified for their current job roles and this begs an obvious question; the answer would challenge Wilson's (1996:234) argument

that targeted training policies which take account of race tend to benefit those who are already educated and need it less. Based on the empirical evidence, the lack of developmental opportunities and the subjectivity of the reporting and appraisal systems are determinants in where employees are located within the grading structure and this study provides a better appreciation of the interplay between the quality of training that is provided to enable an employee to carry out their immediate duties and those that are necessary to enable that employee to progress in their career. This study finds that in most instances where training was provided it was informal and job-related, particularly in the Civil Service. The nature of the modern British Civil Service, with its customer focused, service delivery and technological driven operations, means that continuous high level staff training is essential for the delivery of the government's – and ultimately the state's – overall policy objectives. The caliber of training that more capable staff members receive is a determining factor in their career progression; in Local Government coveted development opportunities to facilitate advancement, such as secondment, are within the gift of managers, rather than anchored within the existing legal framework.

Turning to the operation of current race relations policies, my study has shown that there is no regimented policy in place that addresses the career development of ethnic minorities specifically, in accordance with Sections 37 and 38 of the Race Relations Act 1976, by way of positive action measures. In Local Government where positive action was once used as an essential

tool of equal opportunity, that has ceased and replaced by the policy of diversity.

The theoretical analysis points to the need of the state to protect the policy framework, therefore its operational fluidity will necessarily inhibit permanence. Regardless of these weaknesses, there are positives from Local Government, which provide grounds for guarded optimism, as far as the legacy of positive action policies are concerned, demonstrated by the data in Chapter 8. These show a significant number of employees gaining academic qualifications with the costs borne by their employer and more than half of staff offered training found it beneficial. An important background to the Race Relations Act 1976 was the argument that organisations have a whole range of policies and practices that are unfair to racial minorities and that only a part of such unfairness is captured by the concept of direct discrimination. The strategy of the 1976 Act was to tackle this wider field of institutional discrimination by extending the law to cover wider discrimination, hence organisations were encouraged to adopt positive action policies. It has been demonstrated in this study that this strategy is not being applied as fully as the law provides, unlike the Fair Employment (Northern Ireland) Act 1989, as discussed in Chapter 3, whose provisions are compulsory rather than voluntary and departs significantly from British equality legislation.

For example, public sector and some private sector employers are required to review many aspects of their employment practices periodically and where

imbalances are evident, employers are required to provide targeted training to help under-represented groups. Government contracts and grants may be withdrawn in cases of persistent recalcitrant behavior, thus placing contract compliance on statutory footing (McCrudden et al, 31:1991). This legalises affirmative action in one area of the UK and moves it from an essentially voluntary position to one where it is virtually mandatory on employers, where mechanism are in place to police compliance and where there are enforcement arrangements of some power (Osborne & Cormack, 1991).

In Northern Ireland the issue of equal opportunity impacts more fundamental matters than race, such as civil strife, security expenditure and national boundaries, therefore in some respects it is necessarily treated differently from the mainland, particularly as race was not the driver for its introduction. John Edwards has been consistent in putting forward the strategy of affirmative action or positive discrimination and variants of it as a means of addressing racial discrimination, and this is evident in some of his work, such as *The Politics of Positive Discrimination* (Edwards & Batley, 1978), *Positive Discrimination, Social Justice and Social Policy* (1986); *Positive Discrimination as a Strategy Against Exclusion: The Case of the Inner Cities* (1989).

However, this study provides some support for a stricter interpretation of Sections 37 and 38 of the Race Relations Act 1976, since the potential exists in the public sector for maximising the benefits that can be derived from these provisions. As shown in Chapter 8, despite the wholesale restructuring

and reorganisation that have occurred in Local Government, earlier positive action policies that were pursued in that sector are deep-seated and have proved to be enduring. Staff gained transferable skills and improved their educational qualifications, financed and supported by employers; this was possible because of the way in which the existing legislation was interpreted and applied to tackle widespread indirect discrimination that existed (see Chapter 5). The evidence here is that the provisions of the legislation is still relevant and sufficient but needs renewed political will.

Given the present under-utilisation of those legislative provisions, there are potential failures and political impact in this strategy and, in particular, the possibility of wider social polarisation needs to be considered. The calculations behind many policies adopted by governments, particularly those originating from the centre, carry electoral considerations and related constraints as stated in the policy framework discussion in Chapter 3. Policy changes are usually carried out on a priority basis and it is reasonable to assume that neither the electorate nor civil service advisors in the Home Office, say, would consider race relations policies to be a priority for further legislation, when it could be reasonably argued that there are sufficient legislative provisions in place to address the issue presented in this Thesis.

Positive action measures might be misinterpreted as positive discrimination as I indicated in the discussion in Chapter 9. That is not to say that some people are not genuinely confused between the provisions of positive action

and that of positive discrimination as illustrated by some of the qualitative data in Chapter 8, implying that positive action is not based on merit. Although the need criteria Edwards advocates might be justifiable in theory, the practical application and consequent perception would be significant. If a negative definition were to be placed on such a policy (preferential treatment, for instance), it is that definition that will be the focus for those who will see it as a threat to their own positions. Therefore, social sensitivity will be paramount in any political consideration given to this topic in view of traditional hostility; nevertheless, it is not an insurmountable issue, and rejection could be overcome by educating the workforce. However, more than anything else, it is the indirect political relinquishing of civil functions to the ideas of market forces that serves as an inhibitor. There is one strand yet to be recognised and directly addressed at a political level and it is Edwards' main point of the double (or multiple) disadvantage of well-trained, qualified blacks snared in an exclusion net.

There are totems that will lend it non-political appeal and they lay in the current political climate, where the social ideologies of the main political parties are far from theoretically "pure" and more socially inclusive policies are being espoused, as opposed to the environment that prevailed throughout the 1980s and early 1990s (see Chapter 5). Tony Blair had accepted that there was much "negative discrimination" (see Chapter 5) and he acknowledged the problem of the absence of ethnic minorities at the top of the services. Cabinet Office figures at the time showed two Black or Asian people in the

top four grades of the Civil Service (*The Guardian*, 23 February 1999). The result was the official introduction of Diversity as civil service policy, set out in the Modernising Government White Paper (03.99), and followed by Diverse Civil Service (09.99).

Despite the overwhelming evidence elsewhere on the educational under-achievement of Afro Caribbeans, the findings here are that there is no correlation between that fact and their position in the public sector and this thesis therefore rejects some of those arguments explored in Chapter 3, primarily because in educational terms the employees in my study are “achievers”. Most staff were educated to diploma and degree level when they started their job (59.4% of civil servants and 54.2% in local authority) and had improved on those qualifications at the time of the study. Their low position in the grading structure is therefore due to other inter-connected issues, some of which are dealt with below.

It is the case that the word “diversity” within the context of equality in the workplace is used and interpreted in many instances as an acronym for equal opportunity but should this be the case? Cultural diversity and ethnic diversity are different, in the same way diversity does not necessarily take account of either.

The current treatment of diversity within the realms of human resources ignores many things – chief among them is the inherent nature of racism.

Hugo Young reflected that not because the UK have a Race Relations Act superior in its reach to any similar continental law, we should suppose that racial discrimination is being steadily eliminated from British life. Race riots are rare occurrences, despite discordant political approach to race relations, it is therefore easy for a white man to overlook the racial prejudice – the soft, silent, secretive unexpressed but nonetheless decisive prejudice, otherwise known as indirect discrimination – that permeates the daily life of certain sections of society (*The Guardian*, 23 February 1999).

Table 9.5 showed that in 1999 when diversity became official policy in the Civil Service 1.5% of those at SCS level were from ethnic minorities from a total of 3,602.

Table 10.1
Ethnic Origin of Staff by Responsibility - 1 April 2004

						Other ethnic minority			Ethnic minority as % of known ethnic origin
Non-industrial staff	White ¹	Asian	Black	Chinese	Mixed		Non-response	All staff	
SCS level	3,550	50	20	10	30	20	840	4,510	3.3
Grades 6/7	19,790	440	190	40	200	170	6,020	26,830	4.9
SEO/HEO level	66,730	1,710	1,220	130	600	480	20,700	91,580	5.8
EO level	95,040	4,180	3,100	220	950	800	32,870	137,160	8.9
AO/AA level	170,500	9,030	5,600	430	1,930	1,390	71,450	260,330	9.7
Unknown	8,410	70	40	20	30	50	4,690	13,310	2.4
All non-industrial staff	364,010	15,470	10,170	840	3,730	2,910	136,580	533,710	8.3
All industrial staff	11,080	50	110	10	70	80	9,010	20,400	2.7
All staff	375,090	15,520	10,280	850	3,800	2,990	145,590	554,110	8.2

Source: Cabinet Office Mandate and departmental returns
¹ All staff figure for staff from a White background has been revised from previously published figure.

Table 10.1 shows that in five years the ethnic minority representation in the SCS has risen to 3.3%, less “non-responses” in 2004. However, the

workforce has increased during that period by 15.7%, therefore the rise is not as dramatic as it may first appear and the main beneficiaries of diversity are, so far, the dominant racial group as would probably be the case under any system.

Having said that, the genesis of the retreat from positive action policies that encouraged the career progression of ethnic minorities, predates the introduction of diversity as official policy. There was no radical recovery following the decline of such policies in Local Government as detailed by Gordon et al (1990) and they were never implemented in the Civil Service to the same extent as they were in Local Government, but the percentage of racial discrimination cases taken before Industrial Tribunals, ranging from 5%-21% between 1999 and 2005, as set out in Chapter 4, served as an indicator that employment practices could not revert to pre-Scarman. Yet, there was no desire to return to the immediate post-Scarman period either, for fear of possible media backlash.

Racial equality policies cannot be framed within the wider diversity concept, which does not take account of race. This policy can only deliver success if racial equality in the workplace had first delivered success - in other words, everyone is not starting from a level playing field, with ethnic minorities, disproportionately on the lower rungs of the grading structure. One aim of diversity is "Bringing on Talent" (Montagu, 1999). The process chosen by which to achieve this objective takes no account of the talented pool of

ethnic minority staff in the Civil Service, but seeks those talents from outside to the exclusion of long-serving civil servants in the grades below, rather than offer them the necessary development and training.

The current policies that are meant to facilitate career progression, within the diversity framework, are faulty in design and implementation from the ethnic minority perspective. The relevant provisions of the Race Relations Act 1976 cease to feature in the development of employment policies. The natural corollary is not only that the spirit of the Act is being set aside, but by implication a retreat in aiding the progression of ethnic minority employees, is taking place by default.

The official diversity target was set in 1999 for 35% of women, 3.2% of ethnic minorities and 3% of disabled staff to reach the SCS by 2005. At October 2006 there were 31.2% women, 3.2% ethnic minorities and 2.8% disabled (Cabinet Office Report, 2006). This target has not been attained by organic growth; there is evidence that senior people have been recruited externally and placed within departments at the appropriate grades in order to ensure delivery. The effectiveness of this policy is debatable - one participant in this study described it as “a political numbers game”, and long-serving ethnic minority staff will question the nature of its equality from their perspective.

Institutional racism is about the combination of embedded attitudes and a variety of processes that prevent ethnic minority employees being treated the same way as their white counterparts. The evidence here is that such a combination is at play, as have been shown in Chapter 7, where academic qualifications are often not given due recognition nor is appropriate training provided. This has created a form of inequality where ethnic minorities' skills and potential go unrecognised and under-developed, to which diversity is unsuitable as a solution.

Policy Direction and Contribution

As I have indicated in Chapter 9, there is growing recognition among senior HR officials in the Civil Service that although diversity targets set by the government for ethnic minorities, women and the disabled reaching the SCS by 2005 have been met, it will be a short term achievement, as far as ethnic minorities are concerned. Based on the qualitative evidence discussed in Chapter 9, the numerical levels attained cannot be sustained in the longer term. The majority of ethnic minority staff that will have ensured that the diversity target for that group is reached have either been seconded or recruited directly into the SCS and there is no indication currently that secondment will be a permanent feature in order to maintain those target figures. Furthermore, the feeder grades (Grade 6/7) are lacking the ethnic minority staff that would be able to make natural progress to the SCS in the foreseeable future. At this level, 4.5% ethnic minorities are represented, of

which 0.9% are Afro Caribbeans – less non-responses (Cabinet Office data, September 2006).

The prevailing view among participants in this study is that equality aims exist but none that is race-specific and this view has been supported in discussions I had with senior HR officials. Currently it does not appear that there will be any change to existing policies. However, there are some changes that can be made within existing legislative provisions to adjust current policies in order to tackle indirect discrimination more effectively and also to lay the foundation for a continuous pool of potential SCS candidates among ethnic minority employees in the Civil Service. The following are suggestive and provide a basis for further discussion.

One approach would be for race equality objectives to be separated and made distinguishable from other forms of equality issues - specifically, gender, disability and sexual orientation. This will not diminish the overall objective of the diversity concept to take account of the aspiration of all staff but would acknowledge the distinctiveness of racial discrimination. I have stated earlier that discrimination usually takes place on a group basis, but in the UK women as a group is not a minority either in numbers or ethnicity and any disadvantage they may face in the public sector surrounds work/life balance issues, and is not of the same nature as the other groups mentioned. Sexual oriented discrimination is usually individualised and although the disabled constitute a minority group in terms of percentage of the workforce,

ethnically, they are among the racial majority. Ethnic minorities, on the other hand, face what are cumulative, stereotypical ideas based on racial concepts as discussed in Chapter 1. There has never been any substantive discussion of whether remedial compensation is owed to ethnic minority groups in the UK and the idea of remedial compensation is not in fact entertained in this country either legislatively or politically (Edwards, 1995:25). Nonetheless, carefully considered objectives to remove different types of barriers could produce the same result.

The Parekh Report (2000) regards the elimination of glass ceilings and ethnic penalties as one of a number of substantial tasks to be addressed in removing discriminatory practices by employers (Parekh, 2000:193) and developing and retaining staff with potential should be a long term objective, commencing with recruitment, tailored training and development programmes, in addition to applying a fair appraisal system. For this to be of value, recognition should be given to skills and qualifications that an employee possesses, through nurturing and the marshalling those skills with appropriate training and mentoring.

Where, for example, a staff member demonstrates exceptional competence in undertaking his/her duties and yet denied adequate recognition or promotion, when that employee seeks advancement, then procedures should be in place where the reporting officer concerned would have to provide an explanation to a senior responsible official (at least 2 grades above the

reporting official) outside that business stream, as to the reason(s) why. Ultimately, this would be best achieved through a system of ethnic minority career tracking, built into the appraisal and reporting system.

This suggestion is already provided for in the Race Relations (Amendment) Act 2000 on data collection. However, this would take that one step further as it would be an individualised system, where there would be an automatic review of the employee's career at set intervals or on the request of the jobholder to ensure that any perceived victimisation is not due to any form of indirect discrimination.

Performance Agreements/Job Descriptions already contain nebulous, generalised, anti-discrimination aims to adhere to the organisation's equal opportunity commitment. This is based on the assumption that everyone knows the details of that commitment. The nature of these aims means that they cannot be measured in terms of success or failure and even if they could be so measured, they are not regarded as "core" objectives and therefore staff are not assessed against them. It should therefore be a requirement that managers must demonstrate, as part of their End-of-Year assessment, what they have done to advance equality of opportunity. This is of particular importance for senior managers since they have considerable subjective influence and power in shaping an employee's career, for example, in approving or rejecting training requests and making recommendations for promotion. This would have an impact on the practice in some Civil Service

departments to automatically transfer line management responsibilities, as a solution, when an allegation of racism (or bullying) has been made against a manager as it would allow, and at the very least, any allegation to be looked at to determine if it merits further examination.

My overall conclusion is that all the organisations which took part in this study employ a greater number of ethnic minority people than those active in the country as a whole, according to the 2001 Census figures, and therefore operate a more than adequate equal opportunity recruitment policy. However, in the area of career progression of racial minorities and particularly the group that is the focus of this study, the reach of equal opportunity policies is limited in terms of the provision of developmental and training opportunities, as provided for under Sections 37 and 38 of the Race Relations Act 1976. The nature of racial discrimination means that in pursuing that goal due regard must be given to race, since racial discrimination, uniquely, takes place on a group basis.

If the objective of ethnic minorities having representation at all levels in public sector organisations is to be realised, the government, has a clear responsibility, by way of delegation, to ensure that existing legislation is applied to the fullest in order to achieve that goal and the above analyses support this approach. Positive action is recognised in legislative provisions and practical application as a substantive equal opportunity tool suited to develop and narrow the skills gap between the bottom and top of the public

services. The analyses do not suggest that positive action programmes invariably succeed regardless of circumstances; success will be dependent on the available pool of talent, aptitude and competence. Similarly, diversity should be embraced for what it brings to a multi-dimensional society but solutions to the problems of under-utilisation of the full complement of an organisation's human resources cannot ignore race and race must be taken into consideration. This was summed up by Angela Davis that when people call for diversity and link it to justice and equality that is fine. But there has emerged a model of diversity as the difference that makes no difference, the change that brings no change (Angela Davis)⁶.

This thesis has made a contribution to the debates as to whether or not there exists a link between education, qualifications, training and the position of Afro-Caribbean employees in the public services. What the debates highlight less are the part diversity as an equal opportunity tool plays in the non-implementation of Sections 37 and 38 of the Race Relations Act. This thesis has provided an explanation of the operation of the diversity concept and how this does not take account of the intangible nature of indirect discrimination, and the cumulative outcomes on Afro-Caribbean employees. In that respect it has contributed both theoretically and empirically to those debates and therefore made an important contribution to knowledge.

⁶ "An Audience with Angela Davis", American Civil Rights Activist at Mayor of London Capital Woman Conference on 8 March 2008.

As have been stated at the end of Chapter 1, I am aware that the issues that I have focused on in this study are not the only view that could be taken and social scientists, policy-makers or other interested parties may feel that an alternative emphasis should be placed on this topic and may be inclined to examine this further and this study could provide such a framework. Whether Afro Caribbean employees would be further advanced in their careers without the policy of Diversity and whether the benefits to other ethnic groups are greater than those of Afro Caribbean are questions for further study. Therefore the account provided here should be regarded only as a contribution to a continuous debate on the complexity of indirect discrimination and how fairness and equality can be attained in a multi-cultural, multiracial society.

BIBLIOGRAPHY

Advisory, Conciliation and Arbitration Service (2000) Annual Report: 1999-2000

Alibhai Brown, Yasmin (17 December 1996) Black Looks and White Lies, The Guardian Newspaper

Andrew, Fitzroy (July 1996) Not Just Black and White - The Exploration of Opportunities and Barriers to the Development of Black Managers in Public Services, Office of Public Management

Anthias, Floya & Yuval-Davis, Nira (in association with Harriet Cain) (1992) Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-racist Struggle, London: Routledge

Anthony, Andrew (22 March 2005) The Trouble with Racial Identity, The Guardian Newspaper [G2]

Anwar, M (1992) Ethnic Classification, Ethnic Monitoring and the 1991 Census, New Community 16(4): 606-15

Anwar, Muhammad (1991) Race Relations Policies in Britain: Agenda for the 1990s, Policy Paper in Ethnic Relations No. 21, Centre for Research in Ethnic Relations, University of Warwick

Arksey, Hilary & Knight, Peter (1999) Interviewing For Social Scientists: An Introductory Resource with Examples, London: Sage Publications

Auluck, Randhir (2001) Managing Diversity in the Civil Service, International Institute of Administrative Sciences & The United Nations, IOS Press

Austin Knight UK Limited (1996) Equality at Work - A National Investigation into Perceptions of Equality of Opportunity in the Workplace

Backstrom, Charles H & Hursh, Gerald D (1963) Survey Research, Evanston: Northwestern University Press

Baker, John (1987) Arguing for Equality, London: Verso

Ball, Wendy & Solomos, John (Eds) (1990) Race and Local Politics, Basingstoke: Macmillan Education

Banton, Michael (1955) The Coloured Quarter: Negro Immigrants in an English City, London: Cape

Banton, Michael (1959) White and Coloured: The Behaviour of British People Towards Coloured Immigrants, London: Cape

Banton, Michael (1965) Colour in Britain: Social Acceptance and Rejection in Hooper, Richard (Ed), British Broadcasting Corporation

Banton, Michael & Harwood, Jonathan (1975) *The Race Concept*, Newton Abbot (etc.): Douglas David & Charles Limited

Banton, Michael (1976) *White and Coloured: The Behaviour of British People Towards Coloured Immigrants*, Westport, Connecticut: Greenwood Press, 1976, c1959

Banton, Michael (1994) *Discrimination*, Buckingham: Open University Press

Banton, Michael (1996) *International Action Against Racial Discrimination*, Oxford: Clarendon Press

Banton, Michael (1998) *Racial Theories* (2nd Edition), Cambridge: Cambridge University Press

BBC TV (Summer 1998) *Windrush Season: The Making of Modern Britain*

Bell, Colin & Newby, Howard (Eds) (1977) *Doing Sociological Research*, London: Allen & Unwin

Bell, Alice, Bryson, Caroline, Barnes, Matt and O'Shea, Ruth (2005) *Use of Childcare Among Families from Minority Ethnic Backgrounds*, National Centre for Social Research, Research Report SSU/2005/FR/011

Belz, Herman (1994) *Equality: A Quarter-Century of Affirmative Action Transformed*, New Brunswick; London: Transaction Publishers

Benyon, John (Ed) (1984), *Scarman and After: Essays Reflecting on Lord Scarman's Report, The Riots and their Aftermath*, Oxford: Pergamon

Bennett Jnr, Lerone (1993) *The Shaping of Black America*, Penguin Books

Ben-Tovim; Gideon, Gabriel, John; Law, Ian and Stredder, Kathleen (1986) *The Local Politics of Race*, London: Macmillan

Berlin, Sir Isaiah (1956) *The Age of Enlightenment: the 18th Century Philosophers*, Selected with Introduction and Interpretive Commentary by Isaiah Berlin, New York: New American Library

Bhattacharyya, Gargi, Ison, Liz and Blair, Maud (2003) *Minority Ethnic Attainment and Participation in Education and Training: The Evidence*: University of Birmingham Research Topic Paper for Department for Education and Skills

Bidwell, Sidney, MP (1976) *Red White and Black, Race Relations in Britain*, London: Gordon Cremonesi Ltd

Blackwell, Trevor & Seabrook, Jeremy (1985) *A World Still to Win: The Reconstruction of the Post-War Working Class*, London: Faber and Faber Limited

Bloch, Herman D (1969) *The Circle of Discrimination: An Economic & Social Study of the Black Man in New York*, New York; London: New York University Press: University of London Press

Blyden, Nemata Amelia (2000) *West Indians in West Africa, 1808-1880: The African Diaspora in Reverse*, Rochester, New York: University of Rochester Press

Bolick, Clint (1988) *Changing Course - Civil Rights at the Cross Roads*, New Brunswick, U.S.A.: Transaction Books

Bonnett, Alastair (2000) *Anti-Racism*, London: Routledge

Boston, Thomas D (1999) *Affirmative Action & Black Entrepreneurship*, London: Routledge

Bowcott, Owen & Dodd, Vikram, *The Guardian* (8 March 2006) Police Halt Jobs Diversity Scheme After Discrimination Scheme

Bowers, Simon (15 November 2000) Big Noises Call for Quiet, *The Guardian Newspaper*

Braidwood, Stephen J (1994) *Black Poor and White Philanthropists: London's Blacks and the Foundation of the Sierra Leone Settlement of 1786-1791*, Liverpool: Liverpool University Press

Brown, C (1984) *Black and White Britain: The Third PSI Survey*, Aldershot: Gower

Brown, Colin, *The Independent* (21 March 2006) Civil Service's "Racial Bias" Attacked

Bryman, Alan (1992) *Quantity and Quality in Social Research*, London: Routledge

Bryman, Alan and Cramer, Duncan (2001) *Quantitative Data Analysis with SPSS Release 10 for Windows: A Guide for Social Scientists*, Hove: Routledge

Bryman, Alan (1988) *Quantity and Quality in Social Research*, London: Unwin Hyman, 1988

Burgess, R (1990) *In the Field: An Introduction to Field Research*, 4th Edition, London: George Allen and Unwin

Butler, Rab, Home Secretary (Conservative) Hansard, House of Commons, Official Report, 16 November 1961 (London: HMSO, 1961)

Byrne, Tony (1994) *Local Government in Britain: everyone's guide to how it all works* (6th Edition), London: Penguin Books

Byron, Margaret (1994) *The Unfinished Cycle: Post-War Caribbean Migration to Britain*, Aldershot, Hants, England : Brookfield, Vt., USA: Avebury

Cabinet Office (2006) Civil Service Code of Conduct

Cabinet Office (1996) Ethnic Minority Women in the Civil Service: A study of Double Disadvantage

Cabinet Office (1998) Equal Opportunities in the Civil Service, Data Summary, Development and Equal Opportunities Division

Cabinet Office (4 October 1999) Civil Service Management Committee Memo, Cabinet Office

Cabinet Office (March 1999) Modernising Government White Paper, Cabinet Office

Cabinet Office (March 2003) Ethnic Minorities and the Labour Market, Final Report, Cabinet Office Strategy Unit

Cabinet Office (September 1999) Diverse Civil Service

Carter, Stephen L (1991) Reflections of an Affirmative Action Baby, New York, NY: Basic Books

Carvel, John, The Guardian (15 March 2004), NHS To Fast-Track Black and Asian Staff

Casanova, Pablo Gonzalez (1981), foreword by Adam Schaff; translated by Susan Beth Kapilian, Georganne Weller, The Fallacy of Social Science Research: A Critical Examination & New Qualitative Model, Malden, New York; Oxford: Pergamon Press

Cassen, Robert & Kingdon, Geeta (July 2007) Tackling Low Educational Achievement, London School of Economics for The Joseph Rowntree Foundation

Chandler, J A (2001) Local Government Today (3rd Edition), Manchester: Manchester University Press

Cicourel, Aaron V (1964) Method and Measurement in Sociology, [New York]: Free Press of Glencoe

Cobb, James & Namorato, M, (Eds) (1984) The New Deal and the South, Jackson: University Press of Mississippi

Cochrane, Allan (1993) Whatever Happened to Local Government? Buckingham [England]: Open University Press

Collins, Sydney (1957) Coloured Minorities in Britain: Studies in British Race Relations Based on African, West Indian and Asiatic Immigrants, London: Butterworth Press

Commission for Racial Equality (1988) Policy Studies Institute, London

Commission for Racial Equality (1992) Annual Report 1992

Commission for Racial Equality (Scotland) (1999) Equal Opportunities & Private Sector Employment in Scotland, Commission for Racial Equality

Commission for Racial Equality (2001) The Crown Prosecution Service – Croydon Branch: Report of a Formal Investigation, Commission for Racial Equality 2001

Commission for Racial Equality (November 2005) Statutory Code of Practice on Racial Equality in Employment, www.cre.gov.uk, p59

Commission for Racial Equality (April 2006) Employment & Ethnicity Factfile, <http://www.cre.gov.uk/downloads/factfile01>

Commission for Racial Equality Press Release (19 February 2006) Whitehall Complacent Over Race

Cox, Taylor (1993) Cultural Diversity in Organizations: Theory, Research and Practice, San Francisco, California: Berrett-Koehler, c1993

Crawford, Lincoln OBE (1997) An Enquiry into Employment Practice and Procedures in The London Borough of Hackney, Crawford Report

Crisis Magazine (September 1998)

Crotty, Michael (1998) The Foundations for Social Research: Meaning and Perspective in the Research Process, London: Sage Publications

Crown Prosecution Service (14 May 2002) Press Release 121/02

Curtis, Polly (28 November 2007) Exam Results Show Black Pupils Closing Learning Gap, The Guardian Newspaper

Daniel, W W (1968) Racial Discrimination in England - Based on the PEP Report, Penguin Books

Davison, R B (1964) Commonwealth Immigrants, London: Institute of Race Relations, Oxford University Press, London

Denman, Sylvia (2001) Race and Discrimination in the Crown Prosecution Service – A Final Report, [London]: CPS, 2001

Dess, G D and Picken J C (1999) Beyond Productivity: How Leading Companies Achieve Superior performance by Leveraging their Human Capital: New York: American Management Association

Denscombe, Martyn (1998) The Good Research Guide For Small-scale Social Research Project, Buckingham: Open University Press, Buckingham

Department for Transport (January 2004) Diversity Fact Sheet

Department of Environment (1983) Local Authorities and Racial Disadvantage, HMSO: 1983

Department of Environment (1988) Local Government Act 1988, London: HMSO 1988

Department of Environment (1993) Local Government (Amendment) Act 1993, London: HMSO 1993

Devine, Fiona & Heath, Sue (1999) Sociology Research Methods in Context, Basingstoke: Macmillan

Department of Environment (1996) Urban Research Report, Urban Trends in England: Latest Evidence from the 1991 Census, HMSO London

Department for Trade and Industry (2001) Routes to Resolution: Improving Dispute Resolution in Britain

Dowling, Monica (1998) Do the Poor Need Social Work? in Edwards, John & Revauger, Jean-Paul (Eds) Discourse on Inequality in France and Britain, Aldershot: Ashgate

Dubourdieu, Elaine (1998) The Theory and Practice of “Positive Discrimination” in Edwards, John & Revauger, Jean-Paul (Eds) Discourse on Inequality in France and Britain, Aldershot: Ashgate

Dunkwu, Kenneth (2001) Policy, Equality and Educational Research in Hill, Dave and Cole, Mike (Ed) Schooling and Equality – Fact, Concept and Policy, RoutledgeFalmer (Taylor & Francis Group): London and New York

Dustmann, Christian & Theodoropoulos, Nikolaos (May 2006) Ethnic Minority Immigrants and their Children in Britain: Data from the Labour Force Survey over the period 1979-2005, investigating educational attainment and economic behaviour of ethnic minority immigrants and their children in Britain

Eccleshall, Robert et al (1994) Political Ideologies: An Introduction (2nd Edition), London: Routledge

Edwards, John & Batley, Richard (1978) Politics of Positive Discrimination: An Evaluation of the Urban Programme 1967-77, London: Tavistock

Edwards, John (1986) (Foreword by Lord Scarman) Positive Discrimination, Social Justice and Social Policy, London: Tavistock

Edwards, John (1987) Positive Discrimination, Social Justice and Social Policy: Moral Scrutiny of a Policy Practice, London: Tavistock

Edwards, John (1989) Positive Discrimination as a Strategy against exclusion: The case of the Inner Cities, Policy and Politics, Volume 17, No. 1

Edwards, John (1995) *When Race Counts: The Morality of Racial Preference in Britain and America*, London: New York: Routledge

Edwards, John (1998) 'Inequality' and 'Difference' in a Multicultural Society in Edwards, John & Revauger, Jean-Paul (Eds) *Discourse on Inequality in France and Britain*, Aldershot: Ashgate

Edye, Dave (1998) *Dimensions of Inequality in Britain and France* in Edwards, John & Revauger, Jean-Paul (Eds) *Discourse on Inequality in France and Britain*, Aldershot, Hants, UK; Brookfield, Vt., USA: Ashgate, c1998

Equal Opportunities Commission (1997) *Mainstreaming Gender Equality in Local Government*, Equal Opportunities Commission

Farnham, David & Horton, Sylvia et al (1996) *Managing People in the Public Services*, Basingstoke: Macmillan Press

Favell, Adrian (2001) *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain* (2nd Edition), Basingstoke: Palgrave, in association with Centre for Research in Ethnic Relations, University of Warwick, 2001

Field, Frank & Haikin, Patricia (Eds) (1971) *Black Britons*, London: Oxford University Press

Finch, Janet (1993) *It's Great to Have Someone to Talk to: Ethics and Politics of Interviewing Women in Hammersley, M (Ed) Social Research*, London: Sage in association with Open University Press

Fink, Arlene & Kosecoff, Jacqueline (1998) *How to conduct Surveys: A Step-by-Step Guide*, Thousand Oaks, California; London: Sage Publications Inc

Fishman, Nina (1996) *Modernisation, Moderation and the Labour Tradition* in Perryman, Mark (Ed) *The Blair Agenda*, London: Lawrence and Wishart

Flick, Uwe (2002) *An Introduction to Qualitative Research*, London: Sage Publications Ltd

Flynn, Don; Lloyd, Cathie & Marshall, Barbara (1995) *Immigration, Minorities, Foreigners: Problem-Solving in Britain and Germany*, University of Warwick, Centre for Research in Ethnic Relations, Research Paper in Ethnic Relations No. 22

Employers Organisation (2001) *Trying Times? Research into the Incidence and Outcome of Employment Tribunal Cases where Local Authorities were named as a Respondent*

Foner, Philip S and Lewis, Ronald L (Eds) (1980) *Volume 5, The Black Worker: A Documentary History from Colonial Times to the Present: The Black Worker from 1900-1919*, Philadelphia: Temple University Press

Ford, Glyn (1991) Report drawn up on behalf of the Committee of Inquiry into Racism and Xenophobia, on the findings of the Committee of Inquiry, Luxembourg: Office for Official Publications of the European Communities, 1991

Foster, Jeremy J (2001) Data Analysis Using SPSS for Windows

Francis, Vivienne (1998) With Hope in Their Eyes, London: Nia [an Imprint of The X Press]

Franklin, John Hope (1994) From Slavery to Freedom: A History of African Americans
7th Edition, New York: McGraw-Hill

Fredrickson, George (1999) Social Origins of American Racism in Bulmer, Martin & Solomos John (Eds) Racism, Oxford: Oxford University Press

Fryer, Peter (1984) Staying Power: The History of Black People in Britain, London: Pluto Press

Gaine, Chris (2001) Promoting Equality and Equal Opportunities: School Policies in Hill, Dave and Cole, Mike (Ed) Schooling and Equality – Fact, Concept and Policy, RoutledgeFalmer (Taylor & Francis Group): London and New York

Gay, Pat & Young, Ken (1988) Community Relations Councils: Roles and Objectives: Commission for Racial Equality 1988

Gerring, John (2001) Social Science Methodology: A Critical Approach, Cambridge: Cambridge University Press

Geddes, Andrew (23/24 November 2002) Anti-discrimination Policy: The Emergence of a EU Policy Paradigm amidst Contrasted National Models – Paper presented on Europeanisation, Discourse and Policy Change

Giddens, Anthony (24 May 2007) You Need Greater Equality to Achieve More Social Mobility, The Guardian Newspaper

Gilroy, Paul (1990) The End of Racism in Ball, Wendy & Solomos, John (Eds), Race and Local Politics, Basingstoke: Macmillan Education

Glassner, Barry & Moreno, Jonathan D (Eds) (1989) The Qualitative-Quantitative Distinction in the Social Sciences, Dordrecht: Reidel

GLC (18 May 2004) Equality in Procurement: Notes for Council Members

GLC (1985) Annual Report on Equalities in Employment

GLC Annual Report: File LSPU/REPG/5/2, File 2741A/5yrAch/1-5

Goldman, Alan H (1979) Justice and Reverse Discrimination, Princeton; Guildford: Princeton University Press

Goodhart, David (19 February 2004) Close the Door Before it's too Late, The Guardian Newspaper

Gordon, Paul (1990) A Dirty War: The New Right and Local Authority Anti-Racism in Ball, Wendy & Solomos, John (Eds) Race and Local Politics, Basingstoke: Macmillan Education

Gordon, Shirley C (May 1958) The Negro Education Grant 1835-1845: Its Application in Jamaica: British Journal of Educational Studies: Vol. 6, No. 2

Green, David G (October 2001) Liberal Anti-Racism, Prospect Magazine

Green, Jeffrey (1998) Black Edwardians: Black People in Britain: 1901-1914, Ilford: Frank Cass

Government Department (October 1996) Equal Opportunities Newsletter, [Issue No. 6]

Griffiths, J A G et al (1960) Coloured Immigrants in Britain: Report of an Investigation carried out by the Institute of Race Relations, London: Oxford University Press

Hadfield, E C R & MacColl, James E (1950) British Local Government, London: Hutchinson's University Library

Hakim, Catherine (2000) Research Design: Successful Designs for Social and Economic Research (2nd Edition), London: Routledge

Hampton, William (1991) Local Government and Urban Politics (2nd Edition), London: New York: Longman

Hansen, Kirstine & Joshi, Heather (Ed) (June 2007) Millennium Cohort Study Second Survey, Centre for Longitudinal Studies, Bedford Group for Lifecourse and Statistical Studies, Institute of Education, University of London

Hansen, Randall (2000) Citizenship and Immigration in Post-war Britain, The Institutional Origins of a Multicultural Nation, Oxford University Press

Hargreaves, Alec G (1995) Immigration, 'Race' and Ethnicity in Contemporary France, London: Routledge

Harris, Lynette (Spring 2001) Issues of Fairness in Recruitment Processes: A Study of Local Government Studies, Vol. 26, No. 1, London: Frank Cass

Harvey, Lee; MacDonald, Morag & Hill, Jane (2000) Theories and Methods, Hodder & Stoughton

Hattersley, Roy (19 April 2004) Just Whose Country is it Anyway? Affirmative Action in the Police is Essential if it's to Belong to all of us, The Guardian Newspaper

Hattersley, Roy (27 September 1997) How to Give a Break to Black Britons, The Guardian Newspaper

Hattersley, Roy (September 1997) How to give a break to Black Britons, The Guardian Newspaper

Haynes, Aaron (1996) The State of Black Britain: Volume 1, St John's: Hansib Publishing (Caribbean)

Haynes, Aaron (1997) The State of Black Britain (Volume 2), St. John's, Antigua Hansib Caribbean

Heath, Anthony (October 2001) Ethnic Minorities in the Labour Market, Report to the PIU, Cabinet Office, p15

Heath, Anthony & Cheung, Sin Yi (2006) Ethnic Penalties in the Labour Market: Employers and Discrimination: Department of Work & Pensions (Research Report No. 341)

Heath, Anthony and Yu, Soojin, Explaining Ethnic Minority Disadvantage, www.cabinetoffice.gov.uk/strategy/downloads/files/Heathadditional.pdf

Heineman, Benjamin W Jnr (1972) The Politics of the Powerless: A Study of the Campaign Against Racial Discrimination, London: Oxford University Press for the Institute of Race Relations

Henson, Josiah (1877) Uncle Tom's Story of His Life: An Autobiography of the Rev. Josiah Henson: London

Henley, Jon (27 January 2004) France Fails Immigrant, says Official Study, The Guardian Newspaper

Henwood, Karen L & Pidgeon, Nick F (1997) Qualitative Research and Psychological Theorizing in Hammersley, Martyn (Ed), Sage Publications Ltd: London 1997

Hill, Clifford (1970) Immigration and Integration: A Study of the Settlement of Coloured Minorities in Britain, Oxford: Pergamon Press

Hill, Clifford S (1965) How Colour Prejudiced is Britain? London: Victor Gollancz Ltd

Hill, Dave (2001) Global Capital, Neo-Liberalism and Privatization: The Growth of Educational Inequality in Hill, Dave and Cole, Mike (Ed) Schooling and Equality – Fact, Concept and Policy, RoutledgeFalmer (Taylor & Francis Group): London and New York

Hiro, Dilip (1971) Black British, White British, London: Eyre & Spottiswoode (Publishers) Ltd

Hirst, Paul Q (1975) Durkheim, Bernard and Epistemology, London: Routledge & Kegan Paul Ltd

Hollway, Wendy & Jefferson, Tony (2000) Doing Qualitative Research Differently: Free Association, Narrative and the Interview Method, London: Sage Publications

Home Office (1964) Second Report by Commonwealth Immigrants Advisory Council, presented to Parliament by the Secretary of State for the Home Department: HMSO, Cmnd 2266

Home Office (1965) Immigration from the Commonwealth, Cmnd, paragraph 74

Home Office (1965) Race Relations Act 1965, London: HMSO, Cmnd 2739

Home Office (1968) Race Relations Act 1968, London: HMSO

Home Office (1975) Sex Discrimination Act 1975, London: HMSO 1975

Home Office (1975) Race Relations Act 1976, London: HMSO 1976

Home Office (2001) Race Relations (Amendment) Act 2000, London: HMSO 2000

Home Office File: CK3/73: National Committee for Commonwealth Immigrants (14 April 1966) Minutes of Meeting

Home Office File: HO376/128

Home Office File: HO376/150

House of Commons (23 April 1968), Parliamentary Debate, Hansard Volume 676 (78): HMSO 1968

House of Commons (23 April 1968), Parliamentary Debates, Hansard, Volume 71; 88-89; 91: HMSO 1968

House of Commons (27 April 1967), Parliamentary Debate, Hansard Volume 745 (1739-1797): HMSO 1967

House of Commons (3 May 1965), Parliamentary Debates, Hansard, Volume 943, 982-983; 1018; 1032-1044: HMSO 1965

House of Commons (4 March 1976), Parliamentary Debates, Hansard, Volume 1547; 1567; 1614: HMSO 1976

House of Commons Select Committee on Race Relations & Immigration (1979) First Report from the Select Committee on Race and Immigration: Report and Minutes of Proceedings, London: HMSO 1979

Howard, Anthony (1987) Rab: The Life of R A Butler, London: Cape

Inland Revenue (January 2004) Diversity Quick Guide

Institute of Education, National Child Development Study, Centre for Longitudinal Studies: University of London

Institute of Personnel Management (1987) Contract Compliance: The UK Experience

Iqbal, Karamat (June 2005) Underachievement of White Disadvantaged Pupils In Birmingham, The Forward Partnership – Report Commissioned by Birmingham LEA with funding from Birmingham and Solihull Local LSC

Jayaratne, Toby Epstein (1993) The Value of Quantitative Methodology in Hammersley, Martyn (Ed) Social Research: Philosophy, Politics & Practice, London: Sage in Association with the Open University

Jenkins, Richard (1986) Racism and Recruitment - Managers, Organisations and Equal Opportunity in the Labour Market, Cambridge: Cambridge University Press

Jenkins, Richard (1997) Rethinking Ethnicity: Arguments and Explorations, London: Sage Publications Ltd

Jones, Catherine (1977) Immigration and Social Policy in Britain: London: Tavistock Publications

Jones, Claudia (1985) The Caribbean Community in Britain in Owusu, Kwesi (Ed) Black British Culture and Society, London & New York: Routledge 2000

Jones, Trevor (1996) Britain's Ethnic Minorities: An Analysis of the Labour Force Survey, London: Policy Studies Institute

Jowell, J (1991) The Administrative Enforcement of Laws Against Discrimination in McCrudden, Christopher, et al, Racial Justice at Work: The Enforcement of the Race Relations Act 1976 in Employment, London: Policy Studies Institute

Judicial Studies Board (2004) Equal Treatment Bench Book, Fairness in Courts and Tribunals, Chapter 2.1

Kaler, John (2001) Diversity, Equality, Morality in Noon, Mike & Ogbonna, Emmanuel (Eds) (2001) Equality, Diversity and Disadvantage in Employment, Basingstoke: Palgrave

Kan, Man Yee and Gershuny, Jonathan (February 2006) Human Capital and Social Position in Britain: Creating a Measure of Wage Earning Potential from British Household Panel Survey Data, ISER Working Paper 2006-03. Colchester: University of Essex

Kandola, Rajvinder & Fullerton, Johanna (1994) Managing the Mosaic: Diversity in Action, London: Institute of Personnel and Development

Killingray, David (Ed) (1994) Africans in Britain, Ilford, Essex, Frank Cass & Co

Kirton, Gill & Greene, Anne-Marie (2000) *The Dynamics of Managing Diversity: A Critical Approach*, Oxford: Butterworth-Heinemann

Kossek, Ellen Ernst and Lobel, Sharon A (Eds) (1996) *Transforming Human Resource Systems to Manage Diversity: An Introduction and Orienting Framework: Human Resource Strategies for Transforming the Workplace*, Oxford: Blackwell Publishers

Kundnani, Hans (3 June 1998) *The Guardian Newspaper* [G2]

Kundnani, Hans (8 December 1999), *Loss of Never – Poor Prospects*, *The Guardian Newspaper*

Kvale, Steinar (1996) *Interviews: An Introduction to Qualitative Research Interviewing*, Thousand Oaks, California; London: Sage 1996

Labour Force Survey: Four Quarter Average of Spring, Summer, Autumn and Winter, 2000 Extrapolated from Table 5 in Bhattacharya, Gargi; Ison, Liz & Blair, Maud (2003) *Minority Ethnic Attainment and Participation in Education and Training: The Evidence*, DfES, <http://www.dfes.gov.uk/research>

Lawson, Steven (1991) *Running for Freedom: Civil Rights & Black Politics in America Since 1941*, Philadelphia: Temple University Press

Leach, Robert (2002) *Political Ideology in Britain*, Basingstoke: Belgrave

Leader Article (21 December 1999) *The Independent*

Leader Article (23 February 1999) *Common Sense in Race Relations*, *The Guardian Newspaper*

Legal Trainee Scheme (2005) *Crown Prosecution Service*

Leuchtenburg, William (1963) *Franklin D Roosevelt and the New Deal 1932-1940*, New York: Harper & Row Publishers Inc

Lewins, Frank W (1994) *Social Science Methodology: A Brief but Critical Introduction*, Melbourne: Macmillan Education Australia

Leydier, Gilles (1998) *Dimensions of Inequality in French and British Political Discourse since the Early 1980s* in Edwards, John & Revauger, Jean-Paul (Eds) *Discourse on Inequality in France and Britain*, Aldershot: Ashgate

Little, Kenneth (1946) *The Relations of White people and Coloured People in Great Britain*, South Malvern: Le Play House Press

Little, Kenneth (1947) *Negro in Britain: A study of Racial Relations in English Society*, London: Kegan Paul, Trench, Trubner

Little, Kenneth (1948) *Negroes in Britain: A Study of Racial Relations in English Society*, London: Routledge & Kegan Paul c1947

Little, Kenneth (1950) Behind the Colour Bar, London: Bureau of Current Affairs

Little, Kenneth (1958) Colour and Commonsense, London Fabian Society

Livingstone, Ken (1987) If Voting Changed Anything They'd Abolish It, London: Collins

Lloyd, Catherine (1998) Discourses of Anti-racism in France, Aldershot: Ashgate, c1988

Local Authority A (2002) Race Equality Scheme

Local Authority B (2003) Equalities Action Plan

Local Authority C (2002) Race Equality Scheme

London Development Agency (September 2004) A Report by the Education Commission: The Educational Experiences and Achievements of Black Boys in London Schools 2000-2003

Lord Ouseley (4 April 2004) The Observer Newspaper

Louis, Julianne (2001) The Root to my Tree: Examining the Experience of Positive Action, Training in Housing, Middlesex: L8J Publications for full account of the programmes

MacPherson of Cluny, Sir William (1999) The Stephen Lawrence Inquiry, Report of an Inquiry, February, TSO Cmd 4262-I

Mais, S P B (1939) Fifty Years of the London County Council, Cambridge University Press

Malik, Kenan (29 October 2003) The Dirty D-Word, The Guardian Newspaper

Marable, Manning (1983) How Capitalism Under-Developed Black America: Problems in Race, Political Economy and Society, London: Pluto Press

Marable, Manning (1991) Race, Reform and Rebellion: The Second Reconstruction in Black America, 1945-1990, Jackson; London: University Press of Mississippi

Marable, Manning (1995) Beyond Black and White: Transforming African-American Politics, London: New York: Verso

Marshall, Peter (1997) Research Methods: How to Design and Conduct a Successful Project, Plymouth: How to Books Ltd

Mason, David (1995) Race & Ethnicity in Modern Britain, Oxford: Oxford University Press

MaST Consultancy Services (1998) Sponsor by the Home Office

Maud, Sir John & Finer, S E (1953) Local Government in England and Wales (2nd Edition), London, New York: Oxford University Press

May, Tim (1997) Social Research: Issues, Methods and Process (2nd Edition), Buckingham: Open University Press 1997

May, Simon (1978) Europe Right Ahead, Conservative Political Centre: London

McCloy, Shelby (1961) The Negro in France, [Lexington]: University of Kentucky Press

McCormack, Vincent & O'Hare, Joe (1990) Enduring Inequality: Religious Discrimination in Employment in Northern Ireland, London: National Council for Civil Liberties

McCrudden, Christopher, Smith, David J & Brown, Colin (1991) with assistance from Knox, Jim, Racial Justice at Work, London: Policy Studies Institute

McDougal, M (1996) Equal Opportunities versus Managing Diversity: Another Challenge for Public Sector Management?, The International Journal of Public Sector Management, Vol.9, No5/6

McNaughton, Neil (2000) Local and Regional Government in Britain, London: Hodder and Stoughton

Meegan, Richard & Massey, Doreen (1982) The Anatomy of Job Loss: The How, Why and Where of Employment decline, London: Methuen, 1982

Miles, Robert & Phizacklea, Annie (Eds) (1979) Racism and Political Action in Britain, London: Routledge & Kegan Paul

Miles, Robert (1994) Racism after 'Race Relations', London and New York: Routledge

Milio, N (1988) Making Healthy Public Policy: Developing the Science by Learning the Art: An Ecological Framework for Policy Studies: Health Promotion No. 2

Miller, Errol (1991) Education and Society in the Commonwealth Caribbean: Mona, Jamaica

Mirza, Qudia (1995) Race Relations in the Workplace, London: Institute of Employment Rights, 1995

Modood, Tariq et al (1997) Ethnic Minorities in Britain: Diversity and Disadvantage (The Fourth National Survey of Ethnic Minorities), London: Policy Studies Institute

Modood, Tariq (1998) Ethnic Equality in Britain: Progress and its Limits in
Edwards, John & Revauger, Jean-Paul (Eds) Discourse on Inequality in France and
Britain, Aldershot: Ashgate

Montagu, Nick (6 December 1999) Achieving Effective Race Equality: Government
Policy After Macpherson, Speech as Chair of the Civil Service Management
Committee's Group on Diversity

Morgan, Iwan (1994) Beyond the Liberal Consensus: A Political History of the
United States since 1965, London: Hurst & Company

Morris, Bill (21 June 2001) One to One Interview in his capacity as Leader of
TGWU

Morrison and Milner, 1995

Moser, Claus (1958) Survey Methods in Social Investigation, London: Heinemann

Myrdal, Gunnar (1944) with the assistance of Richard Sterner and Arnold Rose, An
American Dilemma: The Negro Problem and Modern Democracy, New York;
London: Harper and Brothers

National Statistics (2002) Annual Labour Force Survey - As incorporated into Social
Focus in Brief: Ethnicity 2002

Noon, Mike & Ogbonna, Emmanuel (Eds) (2001) Equality, Diversity and
Disadvantage in Employment, Basingstoke: Palgrave

Northern Ireland Office (1975) Fair Employment (Northern Ireland) Act 1976,
HMSO

Northern Ireland Office (1988) Fair Employment (Northern Ireland) Act 1989,
HMSO

Norusis, Marija J (2002) SPSS 11.0 - Guide to Data Analysis, Upper Saddle
River, N.J: Prentice Hall Inc

Office for Public Management (1996) Not Just Black and White: An Exploration of
Opportunities and Barriers to the Development of Black Managers in Public
Services, Office for Public Management

Office for Public Management (July 2003) Equality and Diversity in Local
Government in England, Sponsored by the Office of the Deputy Prime Minister

Office of National Statistics (1995) Living in Britain, Household Survey 1995

Office of National Statistics (1996) Living in Britain, Labour Force Household
Survey 1996

Office of National Statistics (April 2001) UK Census, www.statistics.gov.uk

Okley, Judith (1994) Thinking Through Fieldwork in Bryman, Alan & Burgess, Robert G (Eds) Analyzing Qualitative Data, London: Routledge

Oppenheim, A N (1997) Questionnaire Design, Interviewing and Attitude Measurement, London and Washington: Pinter Publishers Ltd

ORC International (May 2001) Civil Service Diversity Survey: Results Report, Sponsored by the Cabinet Office

Osborne, Robert D & Cormack, R J (1991) (Eds) Discrimination and Public Policy in Northern Ireland, Oxford [England]: Clarendon Press; New York: Oxford University Press, 1991

Owen, David; Green, Anne; Pitcher, Jane & Maguire, Malcolm (2000) Race Research for the Future, Minority Ethnic Participation & Achievement in Education Training and the Labour Market: Department for Education and Employment (Research Report 225)

Parekh, Bhikhu (1998) Integrating Minorities in Blackstone, Tessa; Parekh, Bikhu & Sanders, Peter (Eds) Race Relations in Britain – A Developing Agenda, London: Routledge

Parekh, Bhikhu (2000) The Future of Multi-Ethnic Britain, London: Profile Books

Parekh, Bhikhu (2000) Diversity Lecture

Patterson, James T (1994) America in the Twentieth Century: A History (4th Edition), Forth Worth; London: Harcourt Brace & Company

Patterson, Sheila (1963) Dark Strangers: A Sociological Study of the Absorption of Recent West Indian Migrant Group in Brixton, South London, London: Tavistock Publications

Peach, Ceri (1968) West Indian Migration to Britain: A Social Geography, London: Oxford University Press for Institute of Race Relations

Peach, Ceri & Byron, Margaret (April 1993) Caribbean Tenants in Council Housing: 'Race', Class and Gender, New Community – A Journal of Research and Policy on Ethnic Relations, Volume 19, No. 3

Phillips, Trevor (Daily Mirror, 15 July 2006) First Class Hero: An interview marking the 1966 event when the West Indian railway worker, Asquith Xavier, broke the colour bar at Euston Station in London, after a legal battle with British Railways and the unions

Piachaud, David (CASEpaper 60, September 2002) Capital and the Determinants of Poverty and Social Exclusion: London School of Economics (Centre for Analysis of Social Exclusion) discussion paper

Pilkington, A (2001) Beyond Racial Dualism: Racial Disadvantage and Ethnic Diversity in the Labour Market in Noon, Mike & Ogbonna, Emmanuel (Eds) (2001) Equality, Diversity and Disadvantage in Employment, Basingstoke: Palgrave

Pilkington, Andrew (2003) Racial Disadvantage and Ethnic Diversity in Britain. New York, NY; Basingstoke: Palgrave Macmillan

Pimlott, Ben & Rao, Nirmala (2002) Governing London: Recreating the Metropolitan Community Oxford: Oxford University Press

Pitman, The Development of the British West Indies, 1700-1763. New Haven, 1917

Poirier, Francois (1998) Inequality Property and Community in Edwards, John & Revauger, Jean-Paul (Eds) Discourse on Inequality in France and Britain, Aldershot: Ashgate

Political & Economical Planning (1967) Racial Discrimination, Research Services Ltd, The extent of discrimination revealed in this report convinced the government of the inadequacy of the 1965 Race Relations Act and contributed to the introduction of the Race Relations Act 1968

Porter, Roy (1994) London: A Social History, London: Hamish Hamilton

Prashar, Usha (10 March 1997) Equal Opportunities: From the Wings to Centre Stage? Wainwright Trust 10 Anniversary Lecture

Public and Commercial Service Union (October 2004) Guidance for PCS Representatives: New Employment Tribunal Deadlines

Ragin, Charles C (1994) Constructing Social Research: The Unity and Diversity of Method, Thousand Oaks, California; London: Pine Forge Press

Raphael, David D (1980) Justice and Liberty, London: Athlone Press

Rex, John (1970) Race Relations in Sociological Theory, London: Weidenfeld & Nicolson

Rex, John & Tomlinson, Sally (1979) Colonial Immigrants in a British City: A Class Analysis, London: Routledge & Kegan Paul

Rex, John (1986) Race and Ethnicity, Milton Keynes: Open University Press

Rex, John (1988) The Ghetto and the Underclass: Essays on Race and Social Policy, Aldershot: Avebury

Rex, John and Moore, Robert (1967) Race, Community and Conflict: A Study of Sparkbrook, Oxford: Oxford University Press for the Institute of Race Relations

Richards, Wendy (2001) Evaluating Equal Opportunities Initiative: The Case for a “Transformative” Agenda in Noon, Mike & Ogbonna, Emmanuel (Eds) (2001) Equality, Diversity and Disadvantage in Employment, Basingstoke: Palgrave

Richmond, Anthony H (1954) Colour Prejudice in Britain: A Study of West Indian Workers in Liverpool, 1941-1951, London: Routledge & Kegan Paul Limited

Richmond, Anthony H (1955) The Colour Problem: A Study of Race Relations, Harmondsworth: Penguin

Richmond, Anthony H (1961) (2nd Edition) The Colour Problem: A Study of Race Relations, Penguin Books (Revised 2nd Edition)

Ringer, Benjamin B (1983) We the People and Others: Duality and America’s Treatment of its Racial Minorities, New York: London: Tavistock Publications

Robertson, Leena Helavaara & Hill, Rachel (2001) Excluded Voices: Educational Exclusion and Inclusion in Hill, Dave and Cole, Mike (Ed) Schooling and Equality – Fact, Concept and Policy, RoutledgeFalmer (Taylor & Francis Group): London and New York

Robson, William A (1954) Development of Local Government (3rd Edition), George Allen & Unwin Ltd

Rose, E J B et al (1969) Colour and Citizenship: A Report on British Race Relations, London: Oxford University Press for the Institute of Race Relations

Ruck, S K (Ed) (1960) The West Indian Comes to England: A Report Prepared for the Trustees of the London Parochial Charities by the Family Welfare Association, London: Routledge and Kegan Ltd

Saggar, Shamit (1991) Race and Public Policy: A Study of Local Politics and Government, Aldershot: Avebury

Saggar, Shamit (1992) Race and Politics in Britain, New York; London: Harvester Wheatsheaf

Saggar, Shamit (1999) Immigration and Minority Policy Debate in Britain: Multi-Cultural Political Narratives Contested in Geddes, Andrew & Favell, Adrian (Eds) The Politics of belonging: Migrants and Minorities in Contemporary Europe, Aldershot: Ashgate c1999

Saggar, Shamit (March 1991) The Changing Agenda of Race Issues in Local Government: The Case of a London Borough, Political Studies Vol. XXXIX, No. 1 San Francisco Bay Review (3 November 1999)

Sapsford, Roger (1999) Survey Research, London: Sage Publications Ltd

Scarman, Leslie George (1981) The Brixton Disorders 10-12 April 1981, Report of an Enquiry, HMSO 1981 (Cmnd 8427)

Schama, Simon (2000) *A History of Britain: At the Edge of the World? 3000BC-AD1603*, BBC Worldwide Ltd

Schneider-Ross (1999) *Succeeding in the Civil Service: A Question of Culture, Research into the Under-representation of Women, Ethnic Minorities and People with Disabilities in the Senior Civil Service*, Sponsored by the Cabinet Office

Schneider-Ross (2000) *Moving On Up? – Racial Equality and the Corporate Agenda: A study of FTSE 100 Companies*

Schneider-Ross (2002) *The Business of Diversity, How Organisations in the Public & Private Sectors are Integrating Equality and Diversity to Enhance Business Performance*, Sponsored by the Cabinet Office

Scobie, Edward (1972) *Black Britannia: A History of Blacks in Britain*, Chicago: Johnson Publishing Company Inc

Scoping Study for a National Survey of Scotland's Minority Ethnic Population

Seale, Clive (1999) *The Quality of Qualitative Research*, London: Sage Publications Ltd

Shillington, Kevin (March 2007) *British Made: Abolition and the Africa Trade: History Now*

Shukra, Kalbir (1998) *The Changing Pattern of Black Politics in Britain*, London [England]: Sterling, Virginia: Pluto Press

Shyllon, Folarin O (1977) *Black People in Britain, 1555-1833*, London: Oxford University Press for the Institute of Race Relations

Simpson, L; Purdam, K; Tajar, A; Fieldhouse, E; Gavalas, V; Tranmer, M; Pritchard, J & Dorling, D (2006) *Ethnic Minority Populations and the Labour Market: An Analysis of the 1991 and 2001 Census*: Department of Work & Pensions (Research Report No. 333)

Sitkoff, Harvard (1993) (Revised Edition) *The Struggle for Black Equality, 1954-1992*, New York: Hill and Wang, New York

Smith, Anna Marie (1994) *New Right Discourse on Race and Sexuality: Britain 1968-1990*, Cambridge: Cambridge University Press

Smith, Susan J (1989) *The Politics of "Race" and Residence Citizenship, Segregation and White Supremacy in Britain*, Cambridge: Polity Press

Socialist Organiser (1978), as quoted in Carvel, John (1984) *Citizen Ken*, London: Chatto & Windus

Solomos, John & Back, Les (1996) *Racism and Society*, Basingstoke: Macmillan Press Ltd

South Carolina Black Media Group (6-12 April 1995)

Spero, Sterling & Harris, Abram (1931) *Black Worker: The Negro and the Labour Movement*, New York: Columbia University Press

Stanfield, John H II(1993) (Ed) *The History of Race Relations Research: First-Generation, Recollection*, Newbury Park, California; London: Sage, c1993

Steele, Shelby (1990) *The Contents of Our Character: A New Vision of Race in America*, New York: St. Martin's Press

Stewart, John (2000) *The Nature of British Local Government*, Hampshire: Macmillan Press Ltd

Strategy Unit (2003) *Ethnic Minorities and the Labour Market, Final Report*, Cabinet Office

Straw, Jane (1989) *Equal Opportunities: The Way Ahead*, London: Institute of Personnel Management

Tamkin, Penny; Rick, Jo & Bates, Peter (2000) *Equality Proofing in Performance Review in the Civil Service, Final Report*, The Institute for Employment Studies

Tesch, Renata (1990) *Qualitative Research: Analysis Types and Software Tools*, London: Falmer Press

The Wainwright Trust & Windsor Fellowship (1996) *The Cement Roof - Afro-Caribbean People in Management*, The Foundation for Management Education - A Report Commissioned by the African and Caribbean Finance Forum (1996)

The Washington Post (10 November 1999)

Thomas, Dan (9 February 2005) *Met Police Considers Recruitment Quotas* (www.personneltoday.com)

Thomas, Hugh (1977) *The Slave Trade: The History of the Atlantic Slave Trade 1440-1870*, London: Picador

Thomson, Rosemary & Mabey, Christopher (1994) *Developing Human Resources*, Oxford: Butterworth-Heinemann in association with the Institute of Management

Tillett, Norman R (1949) *Town Hall and Shire Hall: An Outline of Local Government in England and Wales*, London: Harran

Tomlinson, Sally (1986) *Political Dilemmas in Multi-Racial Education in Layton-Henry, Zig & Rich, Paul (Eds) Race, Government & Politics in Britain*, Basingstoke: Macmillan

Trade Union Congress (1968) *Annual Report*

Trade Union Congress (1975) *Annual Report*

The Treaty of Amsterdam (1997) Amending the Treaty on the European Union, The Treaties Establishing the European Communities & Certain Related Acts: Amsterdam: October 1997

The Treaty of Rome (1957) Treaty Establishing the European Economic Community: Commission of the European Economic Communities

Twine, Francis Winddance & Warren, Jonathan (Eds) (2000) *Racing Research - Researching Race: Methodological Dilemmas in Critical Race Studies*, New York: New York University Press

UNISON (2001) *Facing the Challenge: The Impact of the Stephen Lawrence Inquiry Report on Practices in the Public Sector*, UNISON 2001

United States Census (2000) United States Census Bureau, US Department of Commerce

USA Today Newspaper (24 November 1999)

Van Dyke, Vernon (1990) *Equality and Public Policy*, Chicago: Nelson-Hall Publishers

Walters, Natasha (14 July 2006) *On a Wink and a Prayer*, The Guardian [G2] Newspaper

Weale, Sally (20 June 1995) *Equal Last*, The Guardian Newspaper (Society)

Weinberg, Darin (Ed) (2001) *Qualitative Research Methods*, Malden, MA: Blackwell Publishers

Welling, Kaye & Bradshaw, Sally (1994) *Sexual Behaviour in Britain: the National Survey of Sexual Attitudes and Lifestyles*, London: Penguin Books

West, Richard (1970) *Back to Africa: A History of Sierra Leone and Liberia*, London: Jonathan Cape

Williams, Eric (1944) *Capitalism and Slavery*: University of North Carolina Press

Williams, Eric (1970) *From Columbus to Castro: The History of the Caribbean 1492-1969*, London: Andre Deutsch

Wilson, David & Game, Chris (1998) *Local Government in the United Kingdom* (2nd Edition), London: Macmillan Press

Wilson, William Julius (1980) *The Declining Significance of Race: Blacks and Changing American Institutions* (2nd Edition), Chicago: London: University of Chicago Press

Wilson, William Julius (1997) *When Work Disappears: The World of the New Urban Poor*, First Vintage Books

Wrench, K. J; E. Hassan and Owen, D. W. (1996) *Ambition and Marginalisation: A qualitative study of Underachieving Young Men of Afro-Caribbean Origin*, Department for Education and Employment (Research Series No. 31).

www.dw-world.de/dw/article

www.scotland.gov.uk

www.cabinetoffice.gov.uk/reports/annualreport

www.statistics.gov.uk

Yakura, Elaine K (1996) *EEO Law and Managing Diversity* in Kossek, Ellen Ernst & Lobel, Sharon A (Eds) *Managing Diversity: Human Resource Strategies for Transforming the Workplace*, Oxford: Blackwell Publishers

Yin, Robert K (1994) *Case Study Research: Design and Methods*, Thousand Oaks, California; London: Sage Publications, 1994

Young, Hugo (23 February 1999) *Racial Justice should be more than a Branch of Political Correctness*, The Guardian Newspaper

Young, Ken (1990) *Approaches to Policy Development in the Field of Equal Opportunities* in Ball, Wendy & Solomos, John (Eds) *Race & Local Politics*, Basingstoke: Macmillan Education

14 January 1983, *GLC Told to Think Again*, Chelsea News: London

16 February 1984, *West London Observer*, Council Promises Equality

16 Mary 1984, *Hampstead and Highgate Express*, CCCR to Fight Job Survey

28 January 1983, *Daily Telegraph*, £95,000 pay for GLC team to fight racism

28 September 1983, *West Indian World*

OTHER REFERENCES

Betts, Raymond F (1961) *Assimilation and Association in French Colonial Theory 1890-1914*, New York: Columbia University Press

Commission for Racial Equality (1985) *Annual Report 1985*

Commission for Racial Equality (1996), *Roots of the Future: Ethnic Diversity in the Making of Britain*, London: CRE

Costa-Lascoux, Jacqueline (April 1994) *French Legislation Against Racism and Discrimination in New Community: A Journal of Research and Policy on Ethnic*

Relations (Special Issue) Vol.20, No.3, Warwick Printing Co. Ltd for the Commission for Racial Equality 1994

Crowley, John (July 1993) Paradoxes in the Politicisation of Race: A Comparison of the UK and France in New Community: A Journal of Research and Policy on Ethnic Relations, Vol.19, No.4, Warwick Printing Co. Ltd for the Commission for Racial Equality

Davison, R B (1966) Black British: Immigrants to England, London: Open University Press for the Institute of Race Relations

Desai, Rashmi (1963) Indian Immigrants in Britain, London: London: Oxford University Press for the Institute of Race Relations

Dieckmann, Bernhard; Wulf, Christoph & Wimmer, Michael (Eds) (1997) Violence: Racism, Nationalism, Xenophobia, Münster: Waxmann

Equal Opportunity Review (September/October 1994), No.57

Fredrickson, George (1988) The Arrogance of Race: Historical Perspectives on Slavery, Racism, and Social Inequality, Middletown, Connecticut: Wesleyan University Press

Fryer, Peter (1999) The Politics of Windrush, London: Index Books

Goering, John (April 1994) Anti-Discrimination Law on the Grounds of Race in the United States: Enforcement and Research in New Community: A Journal of Research and Policy on Ethnic Relations (Special Issue) Vol. 20, No. 3, Warwick Printing Co. Ltd for the Commission for Racial Equality

Holmes, Colin (1988) John Bull's Island: Immigration and British Society 1871-1971, Basingstoke: Macmillan

Ireland, Patrick R (1994) The Policy Challenge of Ethnic Diversity: Immigrant Politics in France and Switzerland Cambridge, Massachusetts: Harvard University Press

Jones, Trevor (1993) Britain's Ethnic Minorities: An Analysis of the Labour Force Survey, London: Policy Studies Institute

Keith, Michael & Murji, Karim (1990) Reifying Crime, Legitimising Racism: Policing, Local Authorities and Left Realism in Ball, Wendy & Solomos, John (Eds) Race & Local Politics, Basingstoke: Macmillan Education

Layton-Henry, Zig; Solomos, John & Rich, Paul B (Eds) (1986) Race, Government & Politics in Britain, Basingstoke: Macmillan

Mullard, Chris (1973) Black Britain, with an account of recent events at the Institute of Race Relations by Alexander Kirby, London: Allen and Unwin Ltd

Oakes, James (1991) Slavery and Freedom: An Interpretation of the Old South, New York: Vintage Books

Paul, Kathleen (1997) *Whitewashing Britain: Race and Citizenship in the Postwar Era*, Ithaca and London: Cornell University Press

Ransford, Oliver (1971) *The Slave Trade: the story of transatlantic slavery*, London: J. Murray

Rawley, James A (1981) *The transatlantic Slave Trade: a history*, New York; London: Norton

Rosenberg, Gerald N (1991) *The Hallow Hope: Can Courts bring about social change?* Chicago: London: University of Chicago Press Ltd

Sewell, Tony (1998) *Keep on Moving: the Windrush Legacy: The Black Experience in Britain from 1948*

Silverman, Maxim (1992) *Deconstructing the Nation: Immigration, Racism and Citizenship in Modern France*, London: New York: Routledge

Spitzer, Leo (1974) *The Creoles of Sierra Leone: Responses to Colonialism 1870-1945*, Madison; London: University of Wisconsin Press, 1974 [i.e. 1975]

Stein, Robert Louis (1979) *The French slave trade in the eighteenth century: An old regime Business*, Madison; London: University of Wisconsin Press

Tabili, Laura (1994) *“We Ask for British Justice”: Workers and Racial Difference in Late Imperial Britain*, Ithaca: Cornell University Press

Walvin, James (1971) *The Black Presence: A Documentary History of the Negro in England, 1855-1860*, The Gresham Press: Orbach & Chambers

West, Shearer (Ed) (1996) *The Victorians and Race*, Aldershot: Scolar Press

White, John (1990) *Black Leadership in America: from Booker T. Washington to Jesse Jackson* (2nd Edition) London: Longman Group UK Ltd

Whitehouse, Wes (2000) *GLC – The Inside Story*, James Lester Publishers

Witte, Rob (1996) *Racist Violence and the State: A Comparative Analysis of Britain, France and the Netherlands*, Harlow; New York: Longman Group

World Book Encyclopaedia (1992) Q-R

APPENDIX A

TO: EMPLOYEES LONDON BOROUGH OF [X]

VIA: HEAD OF TRAINING AND DEVELOPMENT

**RESEARCH INTO EMPLOYMENT POLICIES OF PUBLIC AND PRIVATE
SECTOR BODIES**

I am currently undertaking a PhD at the University of Warwick (Centre for Research in Ethnic Relations), which is a comparative study of employment policy in inner city local authorities, central government and the private sector. This is specifically with regard to the operation of affirmative action/positive action initiatives.

In brief, the aim of the research is to establish the effectiveness of equal opportunity policies over the past 15 years - not only in terms of direct employment by these organisations but, in the case of local government, through tendering and the operation of contract compliance. The project is based around issues of “social exclusion” and I particularly want to address how these policies impact the employment prospects and progress of the Afro-Caribbean community.

I am seeking volunteers to talk to me in strict confidence, where anonymity is assured. The greater the number of participants, the worthier the findings. I would be most grateful if you could contact me by detaching and returning the slip below.

Please note that this survey has been agreed by [X] Council through the Head of Training and Development.

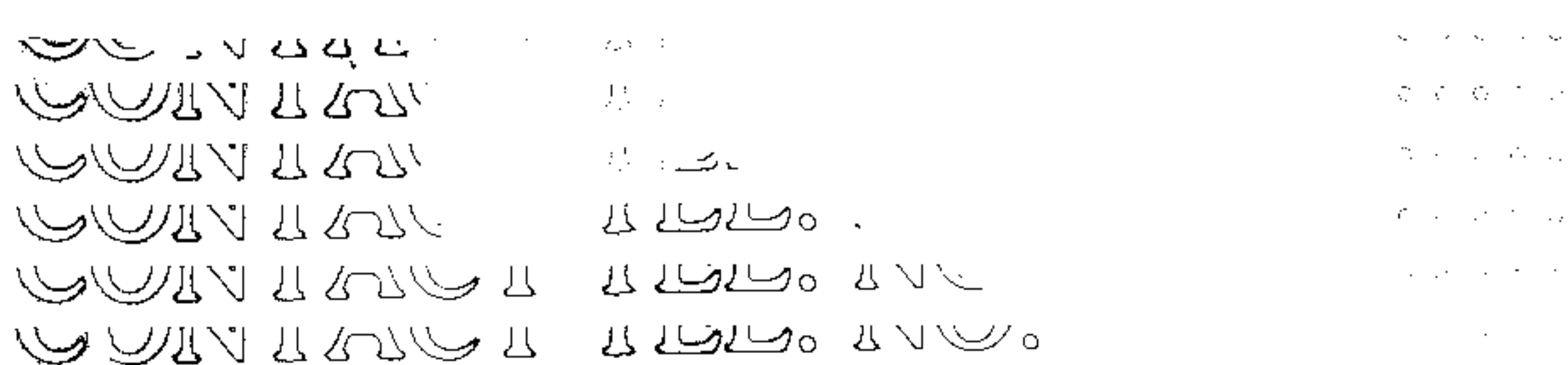
Thank you.

VIVIENNE CONNELL-HALL

TO: Ms Vivienne Connell-Hall
c/o University of Warwick
Centre for Research in Ethnic Relations (CRER)
Coventry
CV4 7AL

Telephone: 0171 438 6489 (Day)
0181 406 4088 (Evening)
E-Mail: vivcon@[cableinet.co.uk](mailto:vivcon@cablenet.co.uk)

NAME:
GRADE:
GENDER:
LENGTH OF SERVICE:.....
CONTACT TEL. NO:



University of Warwick
Centre for Race and Ethnic Relations
Coventry
CV4 7AL

CONFIDENTIAL

**QUESTIONNAIRE –
STUDY OF ETHNIC MINORITY CAREER PROGRESSION IN THE PUBLIC SECTOR**

This questionnaire is part of my PhD studies and your help in completing it would be greatly appreciated. The information required is crucial to this study and it would therefore be helpful if you could return it by 29 January 2000.

Information provided will be treated in strict confidence and used for statistical analysis only, in accordance with academic standards and practices.



About Your Job

This questionnaire relates to your work within the civil service generally and your present department in particular.

If you have left the service of one or more Department since 1 January 1983, please complete all of Question 1 - (a)-(c). If your current department is your only government employer, complete Question 1(a) only. Place a (✓) in the appropriate box.

Questions (a)-(c) to be completed by those who have changed jobs between departments since 1 January 1983 - (a) only for others.

- a.

Are you male or female?

Male ☐ 1

Female ☐ 2
- b.

Are you currently working:

Yes ☐ 1

No ☐ 2
- in an equivalent grade as when originally entered the civil service?

Yes ☐ 1

No ☐ 2
- in the same area of service (eg secretarial, clerical)?

Yes ☐ 1

No ☐ 2
- c.

Briefly state reason(s) for leaving previous Departments(s)

Promotion ☐ 1

Reorganisation ☐ 2

Transfer ☐ 3

Other ☐ 4

.....
.....

Now everyone please now complete the rest of the questionnaire as comprehensive as possible.

Please give your current Department, Section and job title

.....

and your grade/equivalent: AA ☐ 1 AO ☐ 2 EO ☐ 3 HEO ☐ 4 HEO(D)/SEO ☐ 5
Grade 7 ☐ 6 Above Grade 7 ☐ 7

Other (please specify) ☐ 8

Have you ever been placed in a higher/lower grade as a result of inter-organisational restructuring, re-deployment, assimilation or transfer? Yes ☐ 1 No ☐ 2

How long have you worked within this Section/Directorate?
Under 12 months ☐ 1 1-2 years ☐ 2 2-5 years ☐ 3 5-10 years ☐ 4 Over 10 years ☐ 5

Have you held different post(s) in other Sections of the Department? Yes ☐ 1 No ☐ 2
If “Yes”, what grade(s)/post(s) were they? ☐ 3

Do you currently have staff management responsibility? Yes ☐ 1 No ☐ 2
If “Yes”, how many?
1-3 ☐ 1 4-6 ☐ 2 Over 7 ☐ 3

If “No”, have you had any in previous post(s)? Yes ☐ 1 No ☐ 2

How long have you held your current post?
Under 12 months ☐ 1 1-2 years ☐ 2 3-5 years ☐ 3 6-10 years ☐ 4 Over 10 years ☐ 5

our Personal and Professional Background

How would you describe yourself?
Black British ☐ 1 Caribbean Born ☐ 2 African Born ☐ 3
White ☐ 4 Black-Caribbean ☐ 5 Black African ☐ 6 Black -Other ☐ 7
Indian ☐ 8 Pakistani ☐ 9 Bangladeshi ☐ 10 Chinese ☐ 11
Other Groups - Asian ☐ 12
Other ☐ 13

What was your age at your last birthday?
Under 25 ☐ 1 25-34 ☐ 2 35-49 ☐ 3 50-59 ☐ 4 60 + ☐ 5

At what age did you join the civil service?
Under 25 ☐ 1 25-34 ☐ 2 35-49 ☐ 3 50-59 ☐ 4 60 + ☐ 5

Please give details of your educational qualifications when you joined the civil service
CSE ☐ 1 RSA ☐ 2 GCSE ☐ 3 O’level ☐ 4 A’level ☐ 5 Diploma ☐ 6 Degree ☐ 7
Other (please specify) ☐ 8

If you have a degree or diploma please say what it is/they are:
.....

What are your existing qualifications if different from those listed immediately above
CSE ☐ 1 RSA ☐ 2 GCSE ☐ 3 O’level ☐ 4 A’level ☐ 5 Diploma ☐ 6 Degree ☐ 7
Other (please specify) ☐ 8

If you have a degree or diploma please say what it is/they are:
Bachelor ☐ 1 PGDip ☐ 2 Masters ☐ 3 PhD ☐ 4 BA/PGDip ☐ 5 BA/Masters ☐ 6

b If you hold any other certificate(s) or qualifications outside academic learning, eg job-oriented, please say what it is/they are
Qualification ☐ 1 None ☐ 2
.....

our Working Life

How were you recruited into the Civil Service?

Job Centre ☐ 1 Newspaper Advert ☐ 2 College/University Career Adviser ☐ 3
Direct Entrant ☐ 4 Fast Stream ☐ 5 Recommendation by Friend/Relative ☐ 6
Other (specify) ☐ 7

What attracted you to a career in the Civil Service? (You may tick more than one box)
Salary ☐ 1 Employment Benefits ☐ 2 Career prospects ☐ 3 Flexible entry qualifications ☐ 4
Equal opportunity policies ☐ 5 Other (please specify) ☐ 6

Have you ever worked outside the Civil Service? Yes ☐ 1 No ☐ 2

a If “Yes”, is it before or after first working in the service? Before ☐ 1 After ☐ 2

b If “After”, why have you returned to the Civil Service?
.....

Do you see yourself as having a long-term career in the Civil Service?
Yes ☐ 1 No ☐ 2 Don’t Know ☐ 3

If “Yes”, how do you see your career developing? ☐ 4
.....
.....

If “No” or “Don’t Know”, what other career(s) have you got in mind? ☐ 5
.....

Do you see yourself ending your career in the Civil Service (for longer serving employees)?
Yes ☐ 1 No ☐ 2 Don’t Know ☐ 3

If “Yes”, how do you view your career prospects? ☐ 4
.....
.....

If “No” or “Don’t Know”, what other career moves have you got in mind? ☐ 5
.....

Have you ever been offered redundancy? Yes ☐ 1 No ☐ 2

ining

Is training a 2-way exercise where it is initiated by you and/or line manager? Yes ☐ 1 No ☐ 2

If "Yes", have you found this training to be beneficial to your personal growth or is it job related only?

Personal growth	Very useful	<input type="checkbox"/> 1	Quite useful	<input type="checkbox"/> 2	Not very useful	<input type="checkbox"/> 3
Job related	Very useful	<input type="checkbox"/> 4	Quite useful	<input type="checkbox"/> 5	Not very useful	<input type="checkbox"/> 6
Otherwise	Very useful	<input type="checkbox"/> 7	Quite useful	<input type="checkbox"/> 8	Not very useful	<input type="checkbox"/> 9

If "No" please say why: ☐ 10

.....

.....

20. Please give brief details of any in-service training you have received, giving courses and institutions as appropriate.

Training ☐ 1 None ☐ 2

.....

.....

Have you developed skills and knowledge in one or more of the following areas during your time in your present department? Please tick all that apply.

- ☐ 1 general management and administration
- ☐ 2 financial management
- ☐ 3 supervision
- ☐ 4 negotiation
- ☐ 5 personnel management/industrial relations
- ☐ 6 public relations
- ☐ 7 casework
- ☐ 8 policy
- ☐ 9 technical
- ☐ 10 research and IT
- ☐ 11 Other (specify)

From a personal perspective, what are the most appropriate ways of facilitating your training and development needs? Please tick all that apply.

- ☐ 1 gaining experience by shadowing senior colleagues - "mentoring"
- ☐ 2 in-service training, organised and carried out within the Department
- ☐ 3 transfers within the department to learn the work of other sections/directorates
- ☐ 4 short courses undertaken by outside providers, arranged by the department
- ☐ 5 arrange your own training, with costs met by your employer
- ☐ 6 seconded to other government departments
- ☐ 7 Other (specify)

Equal Opportunity

Is there a Race Relations/Equal Opps Unit in your department? Yes ☐ 1 No ☐ 2

Do you regard your department as a practitioner of equal opportunity in all/most respects?

Yes ☐ 1 No ☐ 2

If "Yes", list areas of good practice ☐ 1

.....

.....

If "No", please say why: ☐ 2

.....

What are your personal views on the effectiveness of equal opportunity in terms of employment within the department?
Positive ☐ 1 Negative ☐ 2

What are your personal views on the effectiveness of service delivery on an equal basis?
Positive ☐ 1 Negative ☐ 2

From a personal perspective, do you believe that positive action should be a necessary component of equal opportunity? Yes ☐ 1 No ☐ 2

a. If “Yes”, please say why and what from it should take ☐ 1
.....
.....

b. If “No”, please say why: ☐ 2
.....

Have you personally experienced racial discrimination within your current place of work?
Yes ☐ 1 No ☐ 2

a. If “Yes”: ☐ 1
a. In what form?
b. How was it dealt with?

Do you know anyone who has experienced racial discrimination within your current place of work?
Yes ☐ 1 No ☐ 2

If “Yes”:
a. In what form?
b. How was it dealt with?

Generally, what are your views on the operation of equal opportunity policies?
.....
.....
.....

Promotion/Progression - Complete this section if you answered “yes” to any question at 23-30

Is positive action an element of equal opportunity policies? Yes ☐ 1 No ☐ 2

If “Yes”, does it have a bearing on promotion/training/recruitment? Delete as appropriate

If “No”, explain:
.....

Do you think positive action policies have been beneficial to you in any way? Yes ☐ 1 No ☐ 2
If “Yes”, at which level/stage of your career
.....
.....

.....

.....

Yes ☐ 1 No ☐ 2

Yes ☐ 1 No ☐ 2

.....

If "Yes", at which level/stage of your career

.....

.....

Yes ☐ 1 No ☐ 2 Don't Know ☐ 3

.....

.....

Use the space below to give a brief, overall assessment of your career within the Civil Service, from the recruitment stage to present. Your views on the way forward in addressing the issue of racial discrimination and race relations as a whole in this country are particularly welcome. Write overleaf if necessary.

If you would be prepared to be interviewed as part of this study, could you please give your name and contact number (first names only will suffice): Name Telephone